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GOVERNMENT OF PAKISTAN
MINISTRY OF LAW



A COLLECTION OF
THE
CENTRAL ACTS AND ORDINANCES
FOR THE YEAR
1950

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SHORT TITLES
OF
THE CENTRAL ACTS AND ORDINANCES
FOR THE YEAR 1950

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THE FEDERAL COURT (ENLARGEMENT OF JURISDICTION) ACT, 1949.

¹ACT NO. I OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on
the 13th January, 1950.)*

An Act to provide for the enlargement of the appellate jurisdiction of the Federal Court in civil cases.

WHEREAS it is expedient to provide for the enlargement of the appellate jurisdiction of the Federal Court in civil cases ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Federal Court (Enlargement of Jurisdiction) Act, 1949. Short title
and com-
mencement.

(2) It shall come into force on the first day of February, 1950, hereinafter referred to as "the appointed day".

2. In this Act,—

Definitions.

26 Geo.
5, C. 2.

- (a) "High Court" means a High Court to which the provisions of Chapter II of Part IX of the Government of India Act, 1935, apply ;
- (b) "judgment to which this Act applies" means any judgment, decree or final order of a High Court in a civil case from which a direct appeal could have been brought to His Majesty in Council, either with or without special leave, if this Act had not been passed.

3. As from the appointed day,—

Enlargement
of the Federal Court's
jurisdiction.

V of
1938.

- (a) an appeal shall lie to the Federal Court from any judgment to which this Act applies—
- (i) without the special leave of the Federal Court if an appeal could have been brought to His Majesty in Council without special leave under the provisions of the Code of Civil Procedure, 1908, or of any other law in force immediately before the appointed day, and
- (ii) with the special leave of the Federal Court in any other case ;
- (b) in any such appeal as aforesaid it shall be competent for the Federal Court to consider any question of the nature mentioned in sub-section (1) of section 205 of the Government of India Act, 1935 ; and

26 Geo.
5, C. 2.

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1949, Pt. V, p. 89.

- (c) no direct appeal shall lie to His Majesty in Council, either with or without special leave, from any such judgment.

Continuance
of certain
proceedings
in High
Courts.

4. All proceedings and steps taken in, and orders made and certificates granted by, a High Court in connection with an appeal to His Majesty in Council from a judgment to which this Act applies shall, unless the records pertaining to such appeal have before the appointed day been transmitted by the High Court to His Majesty in Council, be deemed to be proceedings and steps taken, orders made, and certificates granted in connection with an appeal from that judgment to the Federal Court under this Act, and shall be included in or, as the case may be, have effect in relation to that appeal accordingly.

Pending
applications
for special
leave to
appeal.

5. Every application to His Majesty in Council for special leave to appeal from a judgment to which this Act applies which has not been heard and decided before the appointed day shall on that day stand transferred to the Federal Court by virtue of this Act, and shall be heard and decided by that Court as if it had been an application made to that Court for special leave to appeal from that judgment.

Modification
of existing
laws.

6. The provisions of the Code of Civil Procedure, 1908, ^{v of 1908.} and of any other law in force immediately before the appointed day relating to appeal in civil cases to His Majesty in Council shall, as from that day, have effect in relation to any appeal from a judgment to which this Act applies as if in the said provisions, for all references to His Majesty in Council, there were substituted references to the Federal Court.

Savings.

7. The preceding provisions of this Act shall not apply to any appeal—

- (a) which immediately before the appointed day awaits hearing before His Majesty in Council, if the records pertaining to such appeal have before that day been dispatched by the High Court concerned to His Majesty in Council ; or
- (b) to the bringing of which to His Majesty in Council special leave has been granted before the appointed day ;

and any such appeal may be heard and decided by His Majesty in Council as if this Act had not been passed.

Registrar's
certificate of
transmission
conclusive.

8. If any question arises whether the records pertaining to any appeal were transmitted by the High Court to His Majesty in Council before the appointed day the certificate of the Registrar of the High Court that they were or were not so transmitted shall be conclusive evidence on the question.

THE CRIMINAL LAW (EXTINCTION OF DISCRIMINATORY PRIVILEGES) ACT, 1949.

1 ACT NO. II OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on
the 13th January, 1950.)

An Act to provide for the extinction of certain discriminatory privileges in the criminal law.

WHEREAS it is expedient to provide for the extinction of certain discriminatory privileges in the criminal law ;

It is hereby enacted as follows :—

1.—(1) This Act may be cited as the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949.

Short title,
extent and
commence-
ment.

(2) It extends to all the Provinces and the Capital of the Federation.

(3) It shall come into force at once.

2. The enactments specified in the Schedule to this Act are hereby amended to the extent and in the manner mentioned in the fourth column of the Schedule.

Certain Acts
amended.

3. The Penal Servitude Act, 1855 (XXIV of 1855), and the European Vagrancy Act, 1874 (IX of 1874), are hereby repealed.

Repeal of
Act XXIV
of 1855 and
Act IX of
1874.

SCHEDULE

Year	Number	Short Title	Amendment
1860	XLV	The Pakistan Penal Code.	In section 53, the words "Thirdly,—Penal Servitude ;" shall be omitted. Section 56 shall be omitted. In section 222, the words "or penal servitude for life," and "or penal servitude" shall be omitted. In section 225, the words "penal servitude," shall be omitted.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, Extraordinary, 1949, p. 772.

SCHEDULE—contd.

Year	Number	Short Title	Amendment
1898	V	The Code of Criminal Procedure.	In sub-section (1) of section 4, clause (i) shall be omitted; and for clause (j), the following clause shall be substituted, namely :— “(j) ‘High Court’ means the highest Court of criminal appeal or revision for any local area; or, where no such Court is established under any law for the time being in force, such officer as the Provincial Government may appoint in this behalf:”. Sections 29A, 34A, 275, 284A and 285A shall be omitted. In section 312 the proviso shall be omitted. In section 326,— in sub-section (1), the words “and including, where any accused person is an European or an American, as many Europeans or Americans as may be required for the purpose of choosing jurors or assessors for the trial” shall be omitted; and sub-sections (3) and (4) shall be omitted. In section 370, in clause (d), the brackets and words “(except in the case of an European British subject)” shall be omitted. In section 393, in clause (b), the words “or to penal servitude” shall be omitted. In section 396,— in sub-sections (1) and (3), the words “penal servitude” shall be omitted, and in clause (a) of the <i>Explanation</i>, the words “or penal servitude” shall be omitted. In section 397, the words “penal servitude”, wherever they occur, shall be omitted. In section 398, in sub-section (2), the words “or penal servitude for an offence punishable with imprisonment” shall be omitted, and for the words “transportation or penal servitude” the words “or transportation” shall be substituted.

SCHEDULE—*concl'd.*

Year	Number	Short Title	Amendment
1898	V	The Code of Criminal Procedure — <i>cont'd.</i>	In sub-section (1) of section 402, the words "penal servitude" shall be omitted. Chapter XXXIII shall be omitted. In section 478, in sub-section (2), the words and figures "and of Chapter XXXIII in cases where that Chapter applies" shall be omitted. In section 480, sub-section (2) shall be omitted. Section 491A shall be omitted. Chapter XLIVA shall be omitted. Section 534 shall be omitted. In Schedule II,— in the second column relating to section 222, the words "or penal servitude for life" and "or penal servitude" shall be omitted; and in the second column relating to section 225, the words "penal servitude" shall be omitted.
1900	III	The Prisoners Act, 1900.	In section 8, the words "or penal servitude", at both places where they occur, shall be omitted. Part V shall be omitted.
1903	XV	The Extradition Act, 1903.	In section 2, clause (a) shall be omitted. In sub-section (1) of section 7, the words "not being a European British subject" shall be omitted.
1908	IX	The Limitation Act, 1908.	In the First Schedule to the Limitation Act, 1908 (<i>IX of 1908</i>), Article 150A shall be omitted.

ACT No. III OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 13th January, 1950.)

An Act further to amend the Trade Marks Act, 1940.

WHEREAS it is expedient to amend the Trade Marks Act, 1940, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Trade Marks (Amendment) Act, 1949. Short title
and com-
mencement.

(2) It shall come into force at once.

2. In section 69 of the Trade Marks Act, 1940—

(a) In clause (b) before the words and comma “any device, emblem or title”, the words and comma “name, title and semblance of Quaid-i-Azam Mohammad Ali Jinnah and any variations thereof or” shall be inserted. Amendment
of section
69, Act V of
1940.

(b) For clause (c) the following clause shall be substituted, namely :—

“(c) the emblem, the official seal and the name or any abbreviation of the name of the United Nations or any subsidiary body set up by the United Nations or of the World Health Organization in such manner as is to be calculated to lead to the belief that he is duly authorized by the Secretary-General in the case of the United Nations or by the Director-General of the World Health Organization in the case of that Organization to use that emblem, seal or name”.

Price : Anna 1

ACT No. IV OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]
(Received the assent of the Governor-General on the 13th January, 1950.)

An Act further to amend the Companies Act, 1913.

WHEREAS it is expedient further to amend the Companies Act, 1913, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Companies (Amendment) Act, 1949. Short title and commencement.

(2) It shall come into force at once.

2. In section 11 of the Companies Act, 1913—

For sub-section (3A) the following sub-section shall be substituted, namely :— Amendment of section 11, Act VII of 1913.

“(3A) No company shall be registered by a name containing in any form the name or any abbreviation of the name of the United Nations or of any subsidiary body set up by the United Nations or of the World Health Organization unless the company has obtained the previous authorization in writing of the Secretary General in the case of the United Nations or the subsidiary body as aforesaid or of the Director-General of the World Health Organization in the case of that Organization.”

Price : Anna 1

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ACT No. V OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 13th January, 1950.)

An Act to provide for national colours for ships registered in, or owned by persons domiciled in, or bodies corporate established in Pakistan.

WHEREAS it is expedient to make provision for national colours to be worn by ships registered in, or owned by persons domiciled in, or bodies corporate established in Pakistan ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Merchant Shipping **Short title,**
(National Colours) Act, 1949. **extent and**
commence-

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. (1) The Central Government may, by notification in the Official Gazette, declare the proper national colours for all ships registered in Pakistan, and for all vessels which are not registered in any British possession but are owned exclusively by persons domiciled in Pakistan or by bodies corporate established in Pakistan, and thereupon the colours so declared shall, in relation to all such ships and vessels, be the proper national colours for the purposes of sections 73 and 74 of the Merchant Shipping Act, 1894. **Proper national colours for ships registered or owned in Pakistan.**

57 & 58 Vict
cl. 60.

(2) Any person hoisting on board any such ship or vessel any colours other than the colours so declared shall be punishable with the penalty prescribed in sub-section (2) of section 73 of the Merchant Shipping Act, 1894.

57 & 51 Vict
cl. 60.

(3) The Central Government may, by notification in the Official Gazette, exempt any ship or vessel or any class of ships or vessels from the operation of this section.

Price : Anna 1

THE INCOME-TAX AND BUSINESS PROFITS TAX (AMENDMENT) ACT, 1949.

ACT No. VI OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the
13th January, 1950.)

An Act further to amend the Income-tax Act, 1922, and the Business Profits Tax Act, 1947.

WHEREAS it is expedient further to amend the Income-
tax Act, 1922, and the Business Profits Tax Act, 1947, for
the purposes hereinafter appearing ;

XI of
1922.

XXI of
1947.

It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

1.—(1) This Act may be called the Income-tax and
Business Profits Tax (Amendment) Act, 1949.

Short title
and com-
mencement.

(2) It shall come into force at once, and sections 18, 21
and 22 shall be deemed to have taken effect on the day on
which the Business Profits Tax Act, 1947, came into force.

XXI of
1947.

CHAPTER II

AMENDMENT OF ACT XI OF 1922

2. In Explanation 2 to sub-section (1) of section 4 of Amendment
the Income-tax Act, 1922, (hereinafter in this Chapter re- of section 4,
ferred to as the said Act) the following words shall be Act XI of
omitted, namely,— 1922.

“and not being pension payable without Pakistan”.

3. In section 18A of the said Act—

Amendment
of section
18A, Act XI
of 1922.

(a) in sub-section (5), after the words, “from the date
of payment”, the following shall be inserted, namely,—

“to the date of the provisional assessment made
under section 23B, or if no such assessment has
been made” ;

(b) in sub-section (6), in the first proviso, after the
word “Provided” the word “further” shall be in-
serted, and before the proviso as so amended the
following proviso shall be inserted, namely,—

“Provided that where a provisional assessment is made

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1949,
Pt. V, p. 97.

under section 23B, interest shall be calculated in accordance with the foregoing provision up to the date on which the tax as provisionally assessed is paid, and thereafter interest shall be calculated at the rate aforesaid on the amount by which the tax as so assessed (in so far as it relates to income to which the provisions of section 18 do not apply) falls short of the said eighty per cent."

Amendment
of section
22, Act XI
of 1922.

4. At the end of sub-section (4A) of section 22 of the said Act, the following words shall be added, namely,—

"and of any assets transferred to a wife or minor child or for the benefit of the wife or minor child".

Amendment
of section
23A, Act XI
of 1922.

5.—(1) In the *Explanation* to sub-section (1) of section 23A of the said Act, for the words "not less than twenty-five" the words "more than fifty" shall be substituted.

(2) This amendment shall not have effect in relation to any previous year earlier than the previous year related to the assessment of the company for the year ending on the 31st day of March, 1951.

Insertion of
new section
23B, in Act
XI of 1922.

6. In the said Act, after section 23A, the following new section shall be inserted, namely,—

Power to
make pro-
visional
assessment
in advance
of regular
assessments.

"23B. (1) The Income-tax Officer may, at any time after the receipt of a return made under section 22, proceed to make, in a summary manner, a provisional assessment of the tax payable by the assessee, on the basis of his return and the accounts and documents, if any, accompanying it, after giving due effect to (i) the allowance referred to in paragraph (b) of the proviso to clause (vi) of sub-section (2) of section 10, and (ii) any loss carried forward under sub-section (2) of section 24.

(2) A partner of a firm may be provisionally assessed under sub-section (1) in respect of his share in the firm's income, profits and gains, if its return has been received, although the return of the partner himself may not have been received.

(3) A firm may be provisionally assessed under sub-section (1) as if it were an unregistered firm, unless the firm fulfils such conditions as the Central Government may, by notification in the official Gazette, specify in that behalf.

(4) There shall be no right of appeal against a provisional assessment made under sub-section (1).

(5) For the avoidance of doubt, it is hereby declared that the provisions of section 45 (except the first proviso) and section 46 apply in relation to any tax payable in pursuance of a provisional assessment made under sub-section (1) as if it were a regular assessment made under section 23.

(6) Income-tax paid or deemed to have been paid under section 18 or section 18A, in respect of any income provisionally assessed under sub-section (1) shall be deemed to have been paid towards the provisional assessment.

(7) After a regular assessment has been made under section 23, any amount paid or deemed to have been paid towards a provisional assessment made under sub-section (1) shall be deemed to have been paid towards the regular assessment; and where the amount paid or deemed to have been paid towards the provisional assessment exceeds the amount payable under the regular assessment the excess shall be refunded to the assessee.

(8) Nothing done or suffered by reason or in consequence of any provisional assessment made under this section shall prejudice the determination on the merits of any issue which may arise in the course of the regular assessment under section 23."

IV of
1948.

7. Sub-sections (4) and (5) of section 31 as they stood in the said Act before the amendments made by the Income-tax, Excess Profits Tax and Business Profits Tax (Amendment) Act, 1948, shall be renumbered (5) and (6) respectively.

Amendment
of section
31, Act XI
of 1922.

8. In section 38A, of the said Act, the following words shall be added, namely,—

Amendment
of section
38A, Act XI
of 1922.

"and may retain such accounts or documents for so long as may be necessary for examination thereof or for the purposes of a prosecution".

9. After sub-section (5) of section 46 of the said Act, the following sub-section shall be inserted, namely,—

Amendment
of section
46, Act XI
of 1922.

"(5A) The Income-tax Officer may at any time, or from time to time, by notice in writing (a copy of which shall be forwarded to the assessee at his last address known to the Income-tax Officer) require any person from whom money is due or may become due to the assessee or any person who holds or may subsequently hold money for or on account of the assessee to pay to the Income-tax Officer, either forthwith, or forthwith upon the money becoming due or coming into the possession of the person who holds or may hold it as aforesaid, or at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due by the tax-payer in respect of arrears of income-tax and penalty or the whole of the money when it is equal to or less than that amount.

The Income-tax Officer may at any time or from time to time amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.

Any person making any payment in compliance with a notice under this sub-section shall be deemed to have made the payment under the authority of the assessee and the receipt of the Income-tax Officer shall constitute a good and sufficient discharge of the liability of such person to the assessee to the extent of the amount referred to in the receipt.

Any person discharging any liability to the assessee after receipt of the notice referred to in this sub-section shall be personally liable to the Income-tax Officer to the extent of the liability discharged or to the extent of the liability of the assessee for tax and penalties, whichever is less.

If the person to whom a notice under this sub-section is sent fails to make payment in compliance therewith to the Income-tax Officer the notice issued by the Income-tax Officer shall have the same effect as an attachment by the Collector in exercise of his powers under the proviso to sub-section (2) of section 46 and further proceedings may be taken by and before the Collector accordingly."

Omission of section 49, Act XI of 1922.

10. Section 49 of the said Act shall be omitted.

Amendment of section 49A, Act XI of 1922.

11. In section 49A of the said Act,—

(a) in sub-section (1),—

(i) for the word "has" the word "have" shall be substituted;

(ii) between the words "this Act and" and "Dominion" the word "either" shall be inserted;

(iii) after the word "countries" at the end the words "or Burma income-tax" shall be added;

(b) after sub-section (2), the following sub-section shall be added, namely,—

"(3) For the purposes of this section 'Burma income-tax' means any income-tax or super-tax charged under any law in force in Burma where the laws of Burma provide for relief in respect of tax charged on income both in Burma and in British India which appears to the Central Board of Revenue to correspond to the relief which may be granted by this section."

Substitution of section 49AA, Act XI of 1922.

12. The following shall be substituted for section 49AA of the said Act, namely :—

Agreement for avoidance of double taxation in Pakistan and other countries.

49AA. The Central Government may enter into an agreement with any country for the avoidance of double taxation of income, profits and gains under this Act and under the corresponding law in force in that country and may by notification in the official Gazette make such provision as may be necessary for implementing the agreement.

Amendment of section 51, Act XI of 1922.

13. In section 51 of the said Act for the words "fine which may extend to ten rupees for every day during which the default continues" the words "simple imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both" shall be substituted.

Substitution of section 51A, Act XI of 1922.

14. In the said Act for section 51A the following section shall be substituted, namely,—

Refusal to allow access to premises.

51A. If a person or any employee of such person refuses to allow access to that person's premises or inspection or stamping or retention of any accounts or documents in accordance with the provisions of section 38A, he shall be punishable with imprisonment which may extend to one year or with fine or with both.

15. In section 52 of the said Act for the words "punishable, on conviction before a Magistrate, with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both" the words "punishable with imprisonment which may extend to three years and with fine" shall be substituted. Amendment of section 52, Act XI of 1922.

16. In sub-section (3) of section 54 of the said Act,— Amendment of section 54, Act XI of 1922.

(a) in clause (i) for the words, letters and figures "section 49 or section 49AA" the words "the provisions" shall be substituted; and

(b) at the end of clause (m) the word "or" shall be inserted, and after clause (m) the following clauses shall be added, namely,—

"(n) of such particulars to the State Bank of Pakistan as are required by that Bank to enable it to compile financial statistics of international investments and balance of payments; or

(o) of such information as may be required by any officer or department of the Central Government or of a Provincial Government for the purpose of investigation into the conduct and affairs of any public servant."

17. In clause (b) of sub-section (5) of section 64 of the said Act, the words "by him" shall be omitted and shall be deemed never to have been inserted. Amendment of section 64, Act XI of 1922.

CHAPTER III

AMENDMENT OF ACT XXI OF 1947

18. In section 9 of the Business Profits Tax Act, 1947 (hereinafter in this Chapter referred to as the said Act),— Amendment of section 9, Act XXI of 1947.

(a) after the words "an individual", wherever they occur, the words "or a Hindu undivided family", after the words "such individual", wherever they occur, the words "or Hindu undivided family", after the word "he" and the word "him", where they occur, the words "or it", and after the word "his" the words "or its", shall be inserted;

(b) after the word "partner", the words "or by a company which for the purposes of this section is deemed to be a firm in which he or it is interested" shall be inserted;

(c) to the last proviso the following words shall be added, namely,—

"and such individual or Hindu undivided family shall not be treated as a working partner in relation to such business for the purpose of sub-clause (b) of clause (1) of section 2".

19. In section 21 of the said Act for the words "fine which may extend to five hundred rupees, and with a further fine which may extend to fifty rupees for every day" Amendment of section 21, Act XXI of 1947.

during which the default continues" the words "simple imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both" shall be substituted.

Amendment
of section 22,
Act XXI of
1947.

20. In section 22 of the said Act for the words "simple imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both" the words "imprisonment which may extend to three years and with fine" shall be substituted.

Amendment
of Schedule
I, Act XXI
of 1947.

21. In sub-rule (3) of rule 4 of Schedule I to the said Act for the words "In this rule the expression "directors' remuneration" does not include" the following shall be substituted, namely,—

"In this rule the expression "directors' remuneration" includes all remuneration payable by a company to a director thereof in respect of any services rendered to or employment with the company in any capacity whatever but does not include".

Amendment
of Schedule
II, Act XXI
of 1947.

22. In rule 2 of Schedule II to the said Act,—

(a) for sub-rules (1) and (2), the following sub-rule shall be substituted, namely,—

"(1) Where the company is one to which rule 3 of Schedule I applies, its capital shall be the sum of the amounts of its paid-up share capital and of its reserves in so far as they have not been allowed in computing the profits of the company for the purposes of the Income-tax Act, XI of 1922 diminished by the cost to it of its investments or other property the income from which is not to be included in the profits, so far as that cost exceeds any debt for money borrowed by it." ;

(b) for sub-rule (3) the following shall be substituted, namely,—

"(2) In all other cases, the capital shall be the sum ascertained in accordance with the first part of sub-rule (1), diminished by the cost to the company of its investments so far as that cost exceeds any debt for money borrowed by it." ; and

(c) the following *Explanation* shall be added, namely,—

"*Explanation.*—A reserve or paid-up share capital brought into existence by creating or increasing (by revaluation or otherwise) any book asset is not capital for the purposes of ascertaining the abatement under this Act in respect of any chargeable accounting period."

Amendment
of Schedule
II, Act XXI
of 1947.

23. In rule (2A) of Schedule II to the said Act the brackets shall be omitted.

THE CENSUS ACT, 1949

¹ACT No. VII OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on
the 13th January, 1950.)*

An Act to provide for certain matters in connection with the taking of the census.

WHEREAS it has been determined to take a census of Preamble.
Pakistan during the year 1951, and whereas it is expedient
to provide for certain matters in connection with the taking of
such census ;

It is hereby enacted as follows :—

1.—(a) This Act may be called the Census Act, 1949. Short title
(b) It extends to all the Provinces and the Capital of and extent,
the Federation.

2.—(1) The Central Government may appoint a Census Commissioner to supervise the taking of the census through- Census
out the Provinces and the Capital of the Federation and Super- Commis-
intendents of Census Operations to supervise the taking of sioner.
the census within the several Provinces and the Capital of
the Federation.

(2) The Provincial Government may appoint persons as
Census Officers to take, or aid in, or supervise the taking of,
the census within any specified local area.

(3) A declaration in writing, signed by any authority
authorised by the Provincial Government in this behalf, that
any person has been duly appointed a Census Officer for any
local area shall be conclusive proof of such appointment.

(4) The Provincial Government may delegate to such
authority as it thinks fit the power of appointing Census
Officers conferred by sub-section (2).

XLV of 1860. 3. The Census Commissioner, all Superintendents of Status of
Census Operations and all Census Officers shall be deemed to census au-
be public servants within the meaning of section 21 of the thorities as
Pakistan Penal Code, 1860. public ser-
vants.

4.—(1) (a) Every officer in command of any body of Discharge of
men belonging to naval, military or air forces of Pakistan or duties of
of any vessel of war, Census
Officer in
certain cases

¹For Statement of Objects and Reasons, see Gazette of Pakistan
1949, Pt. V, p. 106.

Price : Annas 3.

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(d) every keeper, owner, secretary or manager of any sarai, hotel, board-house, lodging-house, emigration depot, or club,

(e) every manager or officer of a railway or any commercial or industrial establishment, or trading concerns, and

(f) every occupant of immovable property wherein at the time of the taking of the census persons are living ;

shall, if so required by the District Magistrate or by such authority as the Provincial Government may appoint in this behalf, perform such of the duties of a Census Officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order, direct.

(2) All the provisions of this Act relating to Census Officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Pakistan Penal Code, 1860.

XLV
of
1860.

Power to
call upon
certain per-
sons to give
assistance.

5. The District Magistrate, or such authority as the Provincial Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon—

(a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land-revenue, or their agents, and

(b) all members of district, municipal, panchayat, Union Boards and other local authorities and officers and servants of such authorities,

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860.

XLV
of
1860.

Asking of
question and

6.—(1) A Census Officer may ask all such questions of all persons within the limits of the local area for which he is

appointed as, by instructions issued in this behalf by the Provincial Government and published in the official Gazette, he may be directed to ask. obligation to answer.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief :

Provided that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

7. Every person occupying any house, enclosure, vessel or other place shall allow Census Officers such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census. Occupier to permit access and affixing of numbers.

8.—(1) Subject to such orders as the Provincial Government may issue in this behalf, a Census Officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling house or with the manager or any officer of any commercial or industrial establishment, or any trading concerns, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Provincial Government may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census. Occupier or manager to fill up schedule.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the Census Officer or to such person as the Census Officer may direct.

9.—(a) Any Census Officer or any person lawfully required to give assistance towards the taking of a census who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or Penalties.

(b) any Census Officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Central Government or the Provincial Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(c) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any

question asked of him by a Census Officer which he is legally bound by section 6 to answer, or

(d) any person occupying any house, enclosure, vessel or other place who refuses to allow a Census Officer such reasonable access thereto as he is required by section 7 to allow, or

(e) any person who removes, obliterates, alters or damages before the thirty-first day of March, 1951, any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(f) any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder,—

shall be punishable with fine which may extend to two hundred rupees.

Sanction
required for
prosecution.

10. No prosecution under this Act shall be instituted except with the previous sanction of the Provincial Government or of an authority authorised in this behalf by the Provincial Government.

Operation of
other laws
not barred.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

Jurisdiction.

12. No Court inferior to that of a Magistrate of the second class shall try, whether under this Act or under any other law for the time being in force, anything which constitutes an offence under this Act.

Records of
census not
open to ins-
pection nor
admissible
in evidence.

13. No person shall have a right to inspect any book, register or record made by a Census Officer in the discharge of duty as such, or any schedule delivered under section 8, and notwithstanding anything to the contrary in the Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceedings, other than a prosecution under this Act or any other law for the time being in force, for any act or omission which constitutes an offence under this Act.

I of
1872.

Temporary
suspension
of other law
as to mode
of taking
census in
municipali-
ties.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority, in consultation with the Superintendent of Census Operations or with such other authority as the Provincial Government may authorise in this behalf shall, at the time appointed for the taking of the census of Pakistan during the year 1951, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

Grant of
statistical

15. The Census Commissioner or any Superintendent of Census Operations or such person as the Provincial Government

may authorise in this behalf may, if he so thinks fit at the request and cost (to be determined by him) of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns for all or any of the Provinces, or of the Capital of the Federation, as the case may be, being information which is not contained in any published report and which in his opinion it is reasonable for that authority or person to require.

16.—(a) The Central Government may make rules for carrying out the purposes of this Act. Power to make rules.

(b) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules providing—

- (i) for the appointment of Census Officers and of persons to perform any of the duties of Census Officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons ;
- (ii) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision.

**THE REGISTRATION OF FOREIGNERS (AMENDMENT)
ACT, 1949.**

¹Act No. VIII of 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the 13th
January, 1950.)*

An Act to amend the Registration of Foreigners Act, 1939

WHEREAS it is expedient to amend the Registration of
XVI Foreigners Act, 1939, for the purposes hereinafter appearing;
of
1939. It is hereby enacted as follows :—

1. This Act may be called the Registration of Foreigners Short title.
(Amendment) Act, 1949.

2. In the Registration of Foreigners Act, 1939 (hereinafter Amendment
referred to as the said Act), in the long title and the preamble, of the long
for the words "the Provinces and the Capital of the Federa- title and
tion" the word "Pakistan" shall be substituted at both places. preamble,
Act XVI of
1939.

3. In sub-section (2) of section 1 of the said Act, for the Amendment
words "the Provinces and the Capital of the Federation" the of section 1,
words "the whole of Pakistan" shall be substituted. Act XVI of
1939.

4. In section 3 of the said Act, for the words "the Provinces Amendment
and the Capital of the Federation", wherever they occur, the of section 3,
word "Pakistan" shall be substituted. Act XVI of
1939.

5. In section 8 of the said Act, for the figures "1864" the Amendment
figures "1946" shall be substituted. of section 8,
Act XVI of
1939.

6. After section 8 of the said Act, the following section Addition of
shall be added, namely:— new section
9, Act XVI
of 1939.

"9. In the application of this Act to any Acceding State, any reference to an enactment in force in the Provinces or the Capital of the Federation but not in force in the Acceding State shall be construed as a reference to the corresponding law, if any, of that State."

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1949, Pt. V, p. 107.

**THE PREVENTION OF CORRUPTION (AMENDMENT)
ACT, 1949.**

¹ACT No. IX OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
13th January, 1950.)*

An Act to amend the Prevention of Corruption Act, 1947

WHEREAS it is expedient to amend the Prevention of Corruption Act, 1947, for the purposes hereinafter appearing ;

II of
1947.

It is hereby enacted as follows :—

1.—(1) This Act may be called the Prevention of Corruption (Amendment) Act, 1949. Short title
and com-
mencement.

(2) It shall come into force at once.

2. In section 1 of the Prevention of Corruption Act, 1947, hereinafter referred to as the said Act, sub-section (3) shall be omitted. Amendment
of section 1,
Act II of
1947.

3. In section 5 of the said Act—

(i) in sub-sections (1) and (2) the words “in the discharge of his duty” wherever they occur and in sub-section (3) the words “in the discharge of his official duty”, after the words “criminal misconduct”, shall be omitted ; and

Amendment
of section 5,
Act II of
1947.

(ii) in sub-section (1), in clause (a) and clause (b) the word “habitually” shall be omitted at both places.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1949, Pt. V page 108.

Price: Anna 1

THE ESTATE DUTY ACT, 1950

¹Act No. X of 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd
January, 1950.)

An Act to provide for the levy and collection of an estate duty in the Provinces of Pakistan.

WHEREAS it is expedient to provide for the levy and collection of an estate duty in the Provinces of Pakistan and the Capital of the Federation ;

It is hereby enacted as follows :—

PART I

INTRODUCTORY

1.—(1) This Act may be called the Estate Duty Act, Short title,
1950. extent and
commence-

(2) It extends to all the Provinces of Pakistan and the Capital of the Federation.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. In this Act, unless there is anything repugnant in Definitions. the subject or context,—

VII of
1870.

(1) “affidavit of valuation” means the affidavit of valuation made under section 191 of the Court-fees Act, 1870, in connection with an application for the grant of representation ;

(2) “associated operations” means any two or more operations of any kind being,—

(a) operations which affect the same property, or one of which affect some property and the other or others of which affect property which represents, whether directly or indirectly, that property, or income arising from that property, or any property representing accumulations of any such income ; or

(b) any two operations of which one is effected with reference to the other, or with a view to enabling it to be effected or to facilitating its

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1948, Pt. V, p. 110 ; and for Report of Select Committee, see Gazette of Pakistan, 1949, Pt. V, pp. 57—84.

being effected, and any third operation having a like relation to either of those two, and any fourth operation having a like relation to any of those three, and so on ; whether those operations are effected by the same person or by different persons, whether they are connected otherwise than as aforesaid or not, and whether they are contemporaneous or any of them precedes or follows any other ;

- (3) "the Board" means the Central Board of Revenue constituted under the Central Board of Revenue ^{IV of} Act, 1924, and, if in respect of any matter the ^{1924.} Central Government has empowered any officer or authority to discharge the functions of the Board, includes that officer or authority in respect of that matter ;
- (4) "company" includes any body corporate where-soever incorporated ;
- (5) "controlled company" means a company to which section 16 applies ;
- (6) "deceased person" and "the deceased" mean a person dying after the commencement of this Act ;
- (7) "estate duty" means estate duty under this Act ;
- (8) "executor" means the executor or administrator of a deceased person and includes, as regards any obligation under this Act, any person who takes possession of, or intermeddles with, the estate of a deceased person ;
- (9) "general power" includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit whether exercisable by instrument *inter vivos* or by will or both, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or exercisable as mortgagee ;
- (10) "incumbrances" includes mortgages and terminable charges ;
- (11) "interest in expectancy" includes an estate in remainder or reversion and every other future interest whether vested or contingent, but does not include reversions expectant upon the determination of leases ;
- (12) "power to appoint property" means power to determine the disposition of property of which the person invested with the power is not the owner ;
- (13) "prescribed" means prescribed by rules made under this Act ;
- (14) "property" includes any interest in property movable or immovable, and the proceeds of sale thereof and any money or investment for the time being representing the proceeds of sale ;

Explanation.—(1) The creation by a person or with his consent of a debt or other right enforceable against him personally or against property of which he was or might become competent to dispose, or to charge or burden for his own benefit, shall be deemed to have been a disposition made by that person, and in relation to such a disposition the expression “property” shall include the debt or right created.

- (2) The extinguishment at the expense of the deceased of a debt or other right shall be deemed to have been a disposition made by the deceased in favour of the person for whose benefit the debt or right was extinguished, and in relation to such a disposition the expression “property” shall include the benefit conferred by the extinguishment of the debt or right ;
- (15) “property passing on the death” includes property passing either immediately on the death or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation, and “on the death” includes “at a period ascertainable only by reference to the death” ;
- (16) “representation” means probate of a will or letters of administration ;
- (17) “settled property” means property which stands limited to, or in trust for, any persons, natural or juridical, by way of succession, whether the settlement took effect before or after the commencement of this Act ; and “settlement” means any disposition, including a dedication or endowment, whereby property is settled ;
- (18) “will” includes any testamentary instrument.

3.—(1) For the purposes of this Act—

Interpreta-
tion.

- (a) a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were *sui juris*, enable him to dispose of the property ;
- (b) a person shall be deemed to dispose of property to which he has acquired title even if he has acquired title to it in one form and disposes of it in another ;
- (c) a disposition taking effect out of the interest of the deceased shall be deemed to have been made by him, whether the concurrence of any other person was or was not required ;
- (d) money which a person has a general power to charge on the property of another person shall be deemed to be an interest in that property of which the former has power to dispose ;
- (e) the domicile of a person shall be determined as if the provision of the Indian Succession Act, 1925, on this subject applied to him.

(2) In Parts II and III of this Act, any reference to any interest disposed of, policy of insurance effected, annuity or other interest purchased or provided, or to any gift, settlement, disposition or transfer of property made, shall be construed as including any such interest, policy, annuity, gift, settlement or disposition, as the case may be, whether it was disposed of, effected, purchased or provided, or made before or after the commencement of this Act.

PART II

IMPOSITION OF ESTATE DUTY

Extent of Charge

Levy of
estate duty.

4. In the case of every person dying after the commencement of this Act, there shall, save as hereinafter expressly provided, be levied and paid upon the principal value ascertained as hereinafter provided, of all property, settled or not settled, which passes on the death of such a person, a duty called "estate duty" at the graduated rates hereinafter mentioned.

4A. Subject to the provisions of section 9, nothing in this Act shall apply to property dedicated by way of *waqf* or by way of endowment for a purpose which relates exclusively to religious teaching or worship.

Property which is deemed to pass

Property
within
disposing
capacity.

5. Property of which the deceased was at the time of his death competent to dispose shall be deemed to pass on his death.

Interests
ceasing on
death.

6. Property in which the deceased or any other person had an interest ceasing on the deceased's death shall be deemed to pass on his death to the extent to which a benefit accrues or arises by the cesser of such interest, including, in particular, a coparcenary interest in the joint family property of a Hindu family governed by the Mitakshara school of law, but exclusive of property in which the deceased or other person had an interest only as holder of an office or recipient of the benefits of a charity.

Gifts *mortis
causa*.

7. Property taken as a gift in contemplation of death shall be deemed to pass on the donor's death.

Gifts within
a certain
period
before
death.

8. Property taken under a disposition made by the deceased purporting to operate as an immediate gift *inter vivos* whether by way of transfer, delivery, declaration of trust, settlement upon persons in succession, or otherwise, which shall not have been *bona fide* made one year or more before the death of the deceased shall be deemed to pass on the death:

Provided that in the case of gifts made for public or for any charitable purpose within the meaning of section 2 of the Charitable Endowments Act, 1890 the period shall be three months and not one year.

VI of
1890.

9. Property taken under any gift, whenever made, shall be deemed to pass on the donor's death if *bona fide* possession and enjoyment of it was not immediately assumed by the donee and thenceforward retained to the entire exclusion of the donor or of any benefit to him by contract or otherwise : Gifts whenever made where donor not entirely excluded.

Provided that the property shall not be deemed to pass by reason only that it was not, as from the date of the gift, exclusively retained as aforesaid, if, by means of the surrender of the reserved benefit or otherwise, it is subsequently enjoyed to the entire exclusion of the donor or of any benefit to him for at least one year before the death :

Provided further, and subject to the foregoing proviso, that in the case of property dedicated by way of *waqf*, where the person making the dedication has reserved any benefit to himself the property which shall be deemed so to pass is the value of the benefit and not the value of the property as a whole.

10.—(1) Subject to the provisions of this section, where an interest limited to cease on a death has been disposed of or has determined, whether by surrender, assurance, divesting, forfeiture or in any other manner (except by the expiration of a fixed period at the expiration of which the interest was limited to cease), whether wholly or partly, and whether for value or not, after becoming an interest in possession,— Limited interests disposed of within a certain period before death.

- (a) if apart from the disposition or determination the property in which the interest subsisted would have passed on the death under section 4, that property shall be deemed by virtue of this section to be included as to the whole thereof in the property passing on the death ; or
- (b) if apart from the disposition or determination the property in which the interest subsisted would have been deemed by virtue of section 6 to be included to a particular extent in the property passing on the death, the property in which the interest subsisted shall be deemed by virtue of this section to be included to that extent in the property passing on the death.

(2) Where the relevant disposition or determination was *bona fide* effected or suffered not less than one year before the death (or, if it was effected or suffered for public or charitable purposes, within the meaning of section 2 of the Charitable Endowments Act, 1890, not less than three months before the death), the preceding sub-section shall not have effect—

VI of
1890.

- (a) if *bona fide* possession and enjoyment of the property in which the interest subsisted was assumed immediately thereafter by the person becoming entitled by virtue of or upon the disposition or determination and thenceforward retained to the entire exclusion of the person who had the interest and of any benefit to him by contract or otherwise ; or

- (b) in the case of a partial determination, if the conditions specified in the preceding clause were not satisfied by reason only of the retention or enjoyment by the deceased of possession of some part of the property, or of some benefit, by virtue of the provisions of the instrument under which he had the interest :

Provided that nothing in this sub-section shall be construed as affecting any charge of estate duty arising otherwise than by virtue of the provisions of the preceding sub-section.

(3) In the application of sub-section (1) to a case in which an incumbrance on the property in which the interest in question subsisted has been created by associated operations which included a disposition of that interest, references to that property shall be construed as references to that property free from the incumbrance, except in a case in which the incumbrance was created for consideration in money or money's worth which was applied for purposes calculated to maintain or increase the value of that property, and in that case, shall be construed as references to the property subject to the incumbrance to the extent to which the consideration was so applied.

Settlements
with
reservation.

11. Property passing under any settlement made by the deceased by deed or any other instrument not taking effect as a will whereby an interest in such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the settler or whereby the settler may have reserved to himself the right by the exercise of any power, to restore to himself or to reclaim the absolute interest in such property shall be deemed to pass on the settler's death.

Explanation.—A settler reserving an interest in the settled property for the maintenance of any of his relatives (as defined in section 26) or of himself and any of his relatives shall be deemed to reserve an interest for himself within the meaning of this section.

Joint
investments.

12. Property which a person, having been absolutely entitled thereto, has caused to be transferred to or vested in himself and any other person jointly, whether by disposition or otherwise, including any purchase or investment effected by the person who was absolutely entitled to the property, either by himself alone, or in concert, or by arrangement, with any other person, so that the beneficial interest in the property, or in some part of it, passes or accrues by survivorship on his death to the other person, shall be deemed to pass on the death.

Policies kept
up for a
donee.

13.—(1) Money received under a policy of insurance effected by any person on his life where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept

up by him for such benefit, shall be deemed to pass on the death of the assured.

Explanation.—A policy of insurance on the life of a deceased person effected by virtue or in consequence of a settlement made by the deceased shall be treated as having been effected by the deceased.

(2) For the purposes of sub-section (1), so much of the premiums paid on any policy of insurance as was, by virtue or in consequence of a settlement made by the deceased, paid out of property, whether or not provided by the deceased, comprised in the settlement or out of income, whether or not provided by the deceased, arising under the settlement, shall be treated as having been paid by the deceased :

Provided that any payments which were not made either out of property provided directly or indirectly by the deceased for the purposes of the settlement, or out of property representing that property, or out of income provided directly or indirectly by the deceased whether arising from such property or otherwise, shall not be treated as having been made by the deceased if the Board is satisfied that those payments were not made as part of any reciprocal arrangements between the deceased and any other person.

(3) For the purposes of this section,—

- (a) the expression "settlement" includes any disposition, trust, covenant, agreement or arrangement; and
- (b) a person shall be deemed to have made a settlement if he has made or entered into the settlement directly or indirectly, and in particular (but without prejudice to the generality of the foregoing words of this clause) if he has provided or undertaken to provide funds directly or indirectly for the purposes of the settlement, or has made with any other person a reciprocal arrangement for that other person to make or enter into the settlement.

14. Any annuity or other interest, including moneys payable under policy of life assurance, purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, shall be deemed to pass on his death to the extent of the beneficial interest accruing or arising, by survivorship or otherwise, on his death. Annuity or other interest purchased or provided by the deceased.

Explanation.—The extent of the beneficial interest must be ascertained without regard to any interest in expectancy which the beneficiary may have had therein before the death.

15.—(1) Section 14 shall have effect in relation to any annuity or other interest that was purchased or provided wholly or in part by any person who was at any time entitled to, or amongst whose resources there was at any time included, any property derived from the deceased, as Annuity or other interest purchased or provided out of

property
derived
from the
deceased.

if that annuity or other interest had been provided by the deceased, or, if it is proved to the satisfaction of the Board that the application of all the property derived from the deceased would have been insufficient to provide the whole of that annuity or other interest, as if a similar annuity or interest of an amount reduced to an extent proportionate to the insufficiency proved had been provided by the deceased :

Provided that for the purpose of determining whether there would have been any such insufficiency as aforesaid, and the extent thereof, there shall be excluded from the property derived from the deceased any part thereof as to which it is proved to the satisfaction of the Board that the disposition of which it, or the property which it represented, was the subject-matter, was not made with reference to, or with a view to enabling or facilitating, the purchase or provision of the annuity or other interest, or the recoupment in any manner of the cost thereof.

(2) In this section, the following expressions have the meanings hereby assigned to them respectively, namely,—

- (a) "property derived from the deceased" shall include any property which was the subject-matter of a disposition, made by the deceased, either by himself alone or in concert or by arrangement with any other person, notwithstanding that the disposition was made for full consideration in money or money's worth paid to the deceased for his own use or benefit, or which represented any of the subject-matter of such a disposition, whether directly or indirectly, and whether by virtue of one or more intermediate dispositions and whether any such intermediate disposition was or was not for full or partial consideration :

Provided that where the first-mentioned disposition was for full consideration in money or money's worth paid to the deceased for his own use or benefit and it is proved to the satisfaction of the Board that the disposition was not part of associated operations which included—

- (a) a disposition by the deceased, either by himself alone or in concert or by arrangement with any other person, otherwise than for full consideration in money or money's worth paid to the deceased for his own use or benefit ; or
- (b) a disposition by any other person operating to reduce the value of the property of the deceased ;

then, in considering whether estate duty should be charged the said first mentioned disposition shall be left out of account as if this provision did not apply in relation to it ;

- (b) "disposition" includes any trust, covenant, agreement or arrangement ; and
- (c) "subject-matter" includes, in relation to any disposition, any annual or periodical payment made

or payable under or by virtue of the disposition.

(3) For the purpose of section 32 the deceased shall be deemed to have had an interest in any property included by virtue of this section in the property passing on the death of the deceased.

Special provisions relating to transfers to and holdings in Companies.

16.—(1) Where the deceased has made to a company to which this section applies a transfer of any property (other than an interest limited to cease on his death or property which he transferred in a fiduciary capacity), and any benefits accruing to the deceased from the company accrued to him in the three years ending with his death, the assets of the company shall be deemed for the purposes of estate duty to be included in the property passing on his death to an extent determined in accordance with sub-section (2) of this section.

Property transferred to a controlled company.

(2) The extent to which the assets of the company are to be deemed to be included as aforesaid shall be the proportion ascertained by comparing the aggregate amount of the benefits accruing to the deceased from the company in the last three accounting years with the aggregate amount of the net income of the company for the said years:

Provided that—

- (a) where, in any of the said accounting years, the company sustained a loss, the amount of that loss shall be deducted in ascertaining the said aggregate net income of the company;
- (b) where the company came into existence in the last year but one, or in the last, of the said accounting years, the references in this sub-section to the said accounting years shall be construed as references to the last two, or, as the case may be, the last, of those years.

(3) The assets of the company which are deemed to be included in the property passing on the death of the deceased by virtue of this section shall include any assets thereof which have been disposed of or distributed by the company at any time between the beginning of the first of the accounting years aforesaid and the death of the deceased either—

- (a) in or towards satisfaction of rights attaching to shares in or debentures of the company, or
- (b) otherwise howsoever except as follows, that is to say, by way of sale for full consideration in money or money's worth received by the company for its own use and benefit, or in or towards discharge of taxes or rates or other liability imposed by or under an enactment, or in or towards discharge of a fine or penalty or of a liability for tort incurred without collusion with the injured party, including assets which have been so disposed of or distributed in a

winding up, whether continuing at or completed before the death :

Provided that this sub-section shall not apply to assets disposed of or distributed by way of payments from which income-tax was deductible, or which were assessable to income-tax, of amounts not exceeding in the aggregate, as respects payments made in any accounting year or in the period between the end of the last accounting year and the death of the deceased, the amount of the income of the company for that year or period.

(3a) (i) A company to which this section applies is any company which at any relevant time, was or would, if these provisions had always been in force, have been deemed to be, under the control of not more than five persons and which is not a subsidiary company or a company in which the public are substantially interested.

For the purpose of this sub-section—

A company shall be deemed to be a subsidiary company if, by reason of the beneficial ownership of shares therein, the control of the company is in the hands of a company not being a company to which the provisions of this sub-section apply, or of two or more companies none of which is a company to which the aforesaid provisions apply ;

A company shall be deemed to be a company in which the public are substantially interested if shares of the company (not being shares entitled to a fixed rate of dividend, whether with or without a further right to participate in profits) carrying not less than twenty-five per cent. of the voting power have been allotted unconditionally to, or acquired unconditionally by, and are at the end of the year or other period for which the accounts of the company have been made up beneficially held by, the public (not including a company to which the provisions of this sub-section apply) and any such shares have in the course of such year or other period been the subject of dealings on a recognised stock exchange or are in fact freely transferable by the holders to other members of the public.

(ii) A company shall be deemed to be under the control of not more than five persons—

(a) if any five or fewer persons together exercise, or are able to exercise or are entitled to acquire, control, whether direct or indirect, over the company's affairs, and in particular, but without prejudice to the generality of the foregoing words, if any five or fewer persons together possess, or are entitled to acquire, the greater part of the share capital or voting power of the company ; or

(b) if any five or fewer persons together possess, or are entitled to acquire, either the greater part of the issued share capital of the company, or such part of that capital as would, if the whole of the income of the company were in fact distributed to the

members, entitle them to receive the greater part of the amount so distributed ; or

(c) if,—

(i) on the assumption that the company is a company to which this sub-section applies ; or

(ii) on the assumption that the company and any other company or companies are companies to which the said sub-section applies,

more than half of the income of the company (including any income which has been apportioned to it, or could on either of those assumptions be apportioned to it, for the purposes of the said sub-section) could be apportioned for those purposes among not more than five persons.

(iii) In determining whether a company is or is not under the control of not more than five persons, persons who are relatives of one another, persons who are nominees of any other persons together with that other person, persons in partnership, and persons interested in any shares or obligations of the company which are subject to any trust or are part of the estate of a deceased person, shall respectively be treated as a single person.

For the purposes of this clause—

(a) the expression “relative” means a husband, wife, ancestor, lineal descendant, brother or sister ;

(b) a person shall be deemed to be the nominee of another person, if, whether directly or indirectly, he possesses on behalf of that other person, or may be required to exercise on the direction of or on behalf of that other person, any right or power which, by virtue of any of the provisions of this sub-section, is material in determining whether a company is or is not to be deemed to be under the control of not more than five persons.

(iv) An investment company shall be deemed to be under the control of not more than five persons if any five or fewer persons would, if the company were wound up, be entitled as members or loan creditors of the company to receive more than half of the assets of the company which would be available for distribution to members and loan creditors.

(v) Notwithstanding anything in clause (i), a company which is deemed for the purposes of that clause to be under the control of not more than five persons shall not be deemed to be a subsidiary company, unless it can be deemed to be under the control of not more than five persons only by including among the persons mentioned in sub-clauses (a), (b) or (c) of clause (ii) or in clause (iv) a company to which the provisions of the said clause (i) do not apply and which is not the nominee of any other person.

(vi) The expression “relevant time” in this sub-section means any time during the period ending with the death of the deceased and beginning at the date of the disposition, transfer or other transaction or event relevant for the purposes of this Act, or, if that disposition, transfer or other

transaction or event was one of associated operations, at the date of the earliest of those operations.

(4) The Board may make rules—

- (b) defining the class of dispositions or operations which shall be deemed to be transfers of property ;
- (c) defining the matters to be treated as benefits accruing to the deceased from the company ;
- (d) prescribing the manner in which the amounts to be taken into account in respect of such benefits are to be determined, and the times at which they are to be treated as having accrued to the deceased ;
- (e) prescribing the manner in which the accounting year of the company is to be reckoned ;
- (f) prescribing the manner in which the net income of the company, or any loss sustained by the company, in relation to any accounting year or other relevant period, is to be determined ;
- (g) prescribing the manner in which the value of the assets of the company is to be determined ;
- (h) limiting the charge of duty by reference to the value of the property transferred by the deceased to the company ;
- (i) providing for the avoidance of duplication of charge in respect of the deceased's holding of shares or debentures in the company ; and
- (j) generally to regulate such other matters as may be ancillary and necessary to the effective carrying out of the provisions of this section.

(5) For the purposes of section 32, the deceased shall be deemed to have had an interest in the property deemed by virtue of this section to be included in the property passing on his death.

Valuation
for estate
duty of
shares and
debentures
of certain
companies.

17.—(1) Where for the purposes of estate duty there pass, on the death of a person, shares in or debentures of a company to which this section applies, then if—

- (a) the deceased had the control of the company at any time during the three years ending with his death ; or
- (b) dividends which were declared by the company for any period falling wholly or partly within those three years, or which, not having been declared for any particular period, were declared at a time within those three years, together with any amounts which accrued due during any period falling wholly or partly within those three years for interest on debentures of the company, are, as to amounts forming in the aggregate more than one-half of the total amount of such dividends and interest, to be treated as benefits accruing to the deceased from the company for the purpose of section 16, or would have fallen to be so treated if the deceased had made a transfer of property to the company ; or

- (c) the deceased had at any time during those three years a beneficial interest in possession in shares in or debentures of the company, or in both, of an aggregate nominal amount representing one-half or more of the aggregate nominal amount of the shares in and debentures of the company then issued and outstanding, and no one other person had at that time the control of the company ;

the principal value of the shares or debentures, in lieu of being estimated in accordance with the provisions of section 34, shall be estimated by reference to the net value of the assets of the company in accordance with the provisions of the next succeeding sub-section.

(2) For the purposes of such ascertainment as aforesaid—

- (a) the net value of the assets of the company shall be taken to be the principal value thereof estimated in accordance with the said section 34, less the like allowance for liabilities of the company as may be provided in the case of the assets of a company passing on a death by virtue of section 16 subject to such modification as may be prescribed ;
- (b) the aggregate value of all the shares and debentures of the company issued and outstanding at the death of the deceased shall be taken to be the same as the net value of the assets of the company ;
- (c) in a case in which there are both shares in and debentures of the company issued and outstanding at the death, or different classes of either, the net value of the assets of the company shall be apportioned between them with due regard to the rights attaching thereto respectively ; and
- (d) the value of any share, or of any debenture, or of a share or debenture of any class, shall be a rateable proportion, ascertained by reference to nominal amount, of the net value of the assets of the company as determined under clause (a) of this sub-section, or, in the case mentioned in clause (c) of this sub-section, of the part thereof apportioned under that clause to the shares of the company, or to its debentures, or to that class thereof, as the case may be.

(3) Subject to such conditions as may be prescribed, this section shall not apply to the valuation of shares or debentures of a class as to which there have been *bona fide* dealings on any recognised stock exchange during the year ending with the death of the deceased, and, in making an apportionment under clause (c) of sub-section (2) of this section in the case of a company having shares or debentures of such a class, the part of the value of the assets of the company to be apportioned to shares or debentures of that class shall be determined by reference to the prices recorded on such dealings.

(4) In this section references to the assets of a company shall be construed as references to the assets that it had at the death of the deceased.

(4a) A company to which this section applies is any company which at any time during the period ending with the death of the deceased and beginning three years before his death, was a company within the description of sub-section (3a) of section 16.

(5) The Board may make rules—

- (b) defining the circumstances in which a person shall be deemed to have had control of the company ;
- (c) prescribing the conditions under which any class of shares or debentures shall be excluded from the effect of this section ; and
- (d) regulating any other matter necessary for the effective working of this section.

Duty of company and officers of company to give information to Board on death of transferor.

18.—(1) Where the deceased has made a transfer of property to a controlled company the company shall be under obligation to inform the Board, within one month from the date of the death of the deceased, of the death, of the fact that the deceased made a transfer of property to the company, and of the fact that benefits accrued to the deceased from the company, and every person who was an officer of the company at that date, or, if the company has been wound up and dissolved before that date, who was an officer of the company at any time, shall be under the like obligation as respects such of the facts aforesaid as are within his knowledge, unless he knows, or has reasonable cause for believing, that the information in question has already been given to the Board by the company or some other person.

(2) If the company or any such person as aforesaid who is under obligation by virtue of the preceding subsection to give any information to the Board makes default in the performance of that obligation, the Board may impose upon the defaulter a penalty not exceeding one thousand rupees.

Collection and incidence of duty under section 16.

19.—(1) The following persons shall be accountable for the duty payable on the death of the deceased by virtue of section 16, namely—

- (a) the company ; ,
- (b) any person (other than a *bona fide* purchaser for full consideration in money or money's worth received by the company for its own use and benefit) who receives, whether directly from the company or otherwise, or disposes of, any assets which the company had, whether as capital or as income, at the death or at any time thereafter ;
- (c) any person who received any distributed assets

of the company on their distribution :

Provided that a person shall not,—

- (i) by virtue of clause (b), be accountable in respect of any assets for any duty in excess of the value of those assets, or
- (ii) by virtue of clause (c), be accountable in respect of any assets for more than a part of the duty bearing to the whole thereof the same proportion that the value of the distribution of those assets bears to the principal value of the assets of the company passing on the death by virtue of section 16.

For the purposes of this sub-section, the expressions "distributed assets" and "assets of the company passing on the death" do not include any distributed assets of the company which the deceased received on their distribution; and a person who, having received any distributed assets of the company, has died before the deceased shall be deemed to have been a person accountable by virtue of clause (c) of this sub-section.

(2) Where a company incorporated outside the Provinces of Pakistan and the Capital of the Federation is accountable for any duty by virtue of the preceding sub-section, every person who is a member of that company at the death shall also be accountable for a rateable part of that duty in proportion to the value of his interest in that company.

(3) A person accountable for any duty by virtue of this section shall, for the purpose of raising and paying the duty, have all the powers conferred on accountable parties.

(4) On a winding up of the company, sub-section (1) of VII of section 230 of the Indian Companies Act, 1913, shall have effect as if there were included in clause (a) of that sub-section a reference to any duty payable in respect of assets of the company passing on a death by virtue of section 16 VII of this Act, and section 129 of the Indian Companies Act, 1913, shall have effect accordingly.

(5) The duty payable on the death of the deceased by virtue of section 16 shall be a first charge by way of floating security on the assets which the company had at the death or has at any time thereafter, and any part of the duty for which by virtue of clause (c) of sub-section (1) of this section any person is accountable in respect of any distributed assets shall be a first charge also on those assets :

Provided that nothing in this sub-section shall operate to make any property chargeable as against a *bona fide* purchaser thereof for valuable consideration without notice.

(6) Where any duty has been—

- (a) paid by a person accountable therefor by virtue only of clause (c) of sub-section (1); or
- (b) raised by virtue of sub-section (5) out of any

distributed assets charged therewith ;

that person or, as the case may be, the person who was entitled to those assets subject to the charge, may (without prejudice to any right of contribution of indemnity which he may have apart from this sub-section) recover the amount of the duty so paid or raised as aforesaid from any person who is accountable therefor otherwise than by virtue of the said clause (c).

(7) No part of the duty paid by the company shall be recoverable by it from any person on the ground only that he is entitled to any interest in, or to any sum charged on, the assets which the company had at the death of the deceased.

(8) The provisions of sub-sections (1) and (3) of section 49 shall not have effect in relation to the duty payable by virtue of section 16.

PART III

EXCEPTIONS FROM THE CHARGE OF DUTY.

Foreign
property.

20.—(1) Immovable property situated outside the Provinces of Pakistan and the Capital of the Federation shall be excluded from the property passing on the death of the deceased.

(2) Movable property situated outside the Provinces of Pakistan and the Capital of the Federation shall likewise be excluded from the property passing on the death of the deceased unless—

(i) in the case of movable property being settled property of which the deceased was a life tenant, the settler was domiciled in any Province of Pakistan or in the Capital of the Federation at the date on which the settlement took effect ; and

(ii) in the case of other movable property the deceased was domiciled in any Province of Pakistan or in the Capital of the Federation at the time of his death.

(3) The Board may make rules prescribing the manner in which the *situs* of movable property shall be determined for the purposes of this section.

Property
held by the
deceased as
trustee.

21. Property passing on the death of the deceased shall not be deemed to include property held by the deceased as trustee for another person under a disposition not made by the deceased or under a disposition made by the deceased more than one year before his death where possession and enjoyment of the property was *bona fide* assumed by the beneficiary immediately upon the creation of the trust and thenceforward retained to the entire exclusion of the deceased or of any benefit to him by contract or otherwise :

Provided that the property shall not be deemed to pass by reason only that it was not, as from the date of the disposition, exclusively retained as aforesaid if by means

of the surrender of the benefit reserved or otherwise it is subsequently enjoyed to the entire exclusion of the donor or of any benefit to him for at least one year before the death.

21A. Property which at any time during a period of national emergency is given absolutely before the death of the donor for the use of the Government, shall be exempt from estate duty on the death of the donor. Gifts to Government.

21B. Moneys received or payable under policies of insurance on the life of the deceased, which are deemed to be property passing on his death under the provisions of section 13 or section 14 but which are receivable by or payable to beneficiaries other than the executors, as such, of the estate of the deceased, shall be exempt from estate duty to the extent of an aggregate sum of twenty thousand rupees. Proceeds of life insurance.

21C. Property consisting of drawings, paintings, prints, books, manuscripts, works of art or scientific collections which are of national scientific or historic interest given absolutely or bequeathed to Government or to any university or public institution shall be exempt from estate duty. Works of art, etc.

22. In the case of settled property where the interest of any person under the settlement fails or determines by reason of his death before it becomes an interest in possession, and one or more subsequent limitations under the settlement continue to subsist, the property shall not be deemed to pass on his death by reason only of the failure or determination of that interest. Interest failing before becoming an interest in possession.

23.—(1) Where by a disposition of any property an interest is conferred on any person, other than the disposer, for the life of such person or determinable on his death and such person enters into possession of the interest, and thenceforward retains possession of it to the entire exclusion of the disposer or of any benefit to him by contract or otherwise, and the only benefit which the disposer retains in the property is subject to such life or determinable interest and no other interest, even contingent, is created by the disposition, then, on the death of such person, the property, shall not be deemed to pass by reason only of its reverter to the disposer in his life-time. Property reverting to disposer.

(2) Where by a disposition of any property any such interest as is mentioned in sub-section (1) is conferred on two or more persons either severally or jointly or in succession, sub-section (1) shall apply in like manner as where the interest is conferred on one person.

(3) The foregoing sub-sections shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

Property passing by reason of a *bona fide* purchase for full or partial consideration in money.

24.—(1) Subject to the provisions of sections 26 and 43, estate duty shall not be payable in respect of property passing on the death of the deceased by reason only of a *bona fide* purchase from the person under whose disposition the property passes, nor in respect of the falling into possession of the reversion on any lease for lives, nor in respect of the determination of any annuity for lives, where such purchase was made, or such lease or annuity granted, for full consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee.

(2) Where any such purchase was made, or lease or annuity granted, for partial consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of estate duty.

Limitation of exceptions for consideration, and for exclusion of deceased, where company concerned.

25.—(1) For the purposes of section 24 if a controlled company was concerned in a transaction in relation to which it is claimed that the provisions of that section have effect, or in any one or more of associated operations of which that transaction formed one, those provisions shall have effect in relation thereto if and only if, and to the extent only to which, the Board is satisfied that those provisions would have had effect in the following circumstances, namely, if the assets of the company had been held by it on trust for the members thereof and any other person to whom it is under any liability incurred otherwise than for the purposes of the business of the company wholly and exclusively, in accordance with the rights attaching to the shares in and debentures of the company and the terms on which any such liability was incurred, and if the company had acted in the capacity of a trustee only with power to carry on the business of the company and to employ the assets of the company therein.

(2) Where a controlled company was concerned in the disposition or determination of an interest limited to cease on a death effected or suffered as mentioned in sub-section (2) of section 10 or was concerned in any one or more of associated operations of which the disposition or determination formed one, the conditions as to the entire exclusion of the person who had the interest or of the deceased, and of any benefit to him, specified in the said sub-section (2), shall be treated as having been satisfied if and only if they would have been so treated in the circumstances aforesaid.

Dispositions in favour of relatives.

26.—(1) Where the deceased has made a disposition of property in favour of a relative of his, the creation or disposition in favour of the deceased of an annuity or other interest limited to cease on the death of the deceased or of any other person shall not be treated for the purposes of section 24 or section 41 as consideration for the disposition made by the deceased.

(2) If the deceased has made in favour of a controlled company a disposition which, if it had been made in favour of a relative of his, would have fallen within sub-section (1), this section shall have effect in like manner as if the disposition had been made in favour of a relative of his, unless it is shown to the satisfaction of the Board that no relative of the deceased was, at the time of the disposition or subsequently during the life of the deceased, a member of the company.

For the purposes of this sub-section a person who is, or is deemed by virtue of this provision to be, a member of a controlled company which is a member of another such company shall be deemed to be a member of that other company.

(3) Where there have been associated operations effected with reference to the receiving by the deceased of any payment in respect of such an annuity or other interest as is mentioned in sub-section (1), or effected with a view to enabling him to receive or to facilitating the receipt by him of any such payment, this section shall have effect in relation to each of those associated operations as it has effect in relation to the creation or disposition in favour of the deceased, of such an annuity or other interest.

(4) In this section—

- (i) "Relative" means, in relation to the deceased—
 - (a) the wife or husband of the deceased;
 - (b) the father, mother, children, uncles and aunts, of the deceased; and
 - (c) any issue of any person falling within either of the preceding clauses and the other party to a marriage with any such person or issue.
- (ii) References to "children" and "issue" include references to illegitimate children and to adopted children.
- (iii) Annuity includes any series of payments, whether inter-connected or not, whether of the same or of varying amounts, and whether payable at regular intervals or otherwise, and payments of dividends or interest on shares in or debentures of a company shall be treated for the purposes of this section as a series of payments constituting an annuity limited to cease on a death if the payments are liable to cease on the death, or the amounts thereof are liable to be reduced on the death, by reason directly or indirectly of the extinguishment or any alteration of rights attaching to, or of the issue of, any shares in or debentures of a company.

27.—(1) Subject to the provisions of this section, the relief specified hereunder shall be granted where any estate duty becomes, or would but for this section become, payable by virtue of section 26. Purchases of annuities from relatives.

(2) The sum on which estate duty would be payable

apart from this section on the death in respect of the property which was the subject-matter of the disposition or in respect of the property liable to a debt or incumbrance created by the deceased which was the subject-matter of the disposition, as the case may be, shall first be computed, and, subject to such limitations as may be prescribed, there shall then be allowed as a deduction from that sum—

- (a) the amount, if any, by which the aggregate of the payments which have been made on account of the annuity or other interest for the period from the date when the annuity or other interest began to accrue in favour of the deceased until his death, exceeds the aggregate of the income derived from the deceased by virtue of the disposition for the period from the date of the disposition until his death; and
- (b) simple interest on so much, if any, of the amount aforesaid, and for such period, as in the opinion of the Board, is in all the circumstances just, at the rates from time to time payable during that period on estate duty in arrear.

The expression “the aggregate of the income derived from the deceased by virtue of the disposition” means—

- (i) in relation to so much of the property which was the subject-matter of the disposition as did not consist of a debt or incumbrance created by the deceased, such amount as, in the opinion of the Board, is in all the circumstances equal to a reasonable return from the property; and
- (ii) in relation to so much of the property which was the subject-matter of the disposition as did consist of a debt or incumbrance created by the deceased, the aggregate amount of the interest paid or payable by the deceased in respect of that debt or incumbrance.

Effect of
new or in-
creased
rates of
duty on
certain sales
and mort-
gages.

28.—(1) Where an interest in expectancy in any property has, whether before or after the commencement of this Act, been *bona fide* sold or mortgaged for full consideration in money or money's worth, and the rates of estate duty in force in the case of a person dying when the interest falls into possession are higher than the rates in force, if any, in the case of a person dying at the time of the sale or mortgage, then—

- (a) no other duty on that property shall be payable by the purchaser or mortgagee when the interest falls into possession than the duty, if any, which would have been payable if the rates of estate duty applicable had been the rates in force, if any, in the case of a person dying at the time of the sale of mortgage; and
- (b) in the case of a mortgage, any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

(2) Sub-section (1) of section 25 shall apply for the purposes of the foregoing sub-section as it applies for the purposes of section 24.

29.—(1) If the Central Government by notification in the official Gazette declares that arrangements specified in the notification have been made with the Government of any territory outside the Provinces of Pakistan and the Capital of the Federation with a view to affording relief from double taxation in relation to estate duty payable under this Act and any duty of a similar character imposed under the laws of that territory, the arrangements shall, notwithstanding anything in this Act, have effect so far as they provide for relief from estate duty, or for determining the place where any property is to be treated as being situated for the purposes of estate duty. Relief from double taxation.

(2) Where arrangements have effect by virtue of this section, section 46 shall not have effect in relation to duty to which the arrangements apply chargeable under the laws of the territory concerned.

(3) Any arrangements to which effect is given under this section may include provision for relief from duty in the case of deaths occurring before the making of the arrangements and the provisions of this section shall have effect accordingly.

30. Where the Board is satisfied that estate duty has become payable on any property consisting of land or on a business (not being a business carried on by a company) or any interest in land or such a business, passing upon the death of any person, and that subsequently within five years estate duty has again become payable on the same property or any part thereof passing on the death of the person to whom the property passed on the first death, the amount of estate duty payable on the second death in respect of the property so passing shall be reduced as follows:— Allowance for quick succession to land or to a business.

Where the second death occurs within one year of the first death, by fifty per cent. ;

Where the second death occurs within two years of the first death, by forty per cent. ;

Where the second death occurs within three years of the first death, by thirty per cent. ;

Where the second death occurs within four years of the first death, by twenty per cent. ;

Where the second death occurs within five years of the first death, by ten per cent. :

Provided that where the value, on which the duty is payable, of the property on the second death exceeds the value, on which the duty was payable, of the property on the first death, the latter value shall be substituted for the former for the purpose of calculating the amount of duty on which the reduction under this section is to be calculated.

Exemptions,
reductions
and other
modifica-
tions.

31. Notwithstanding any exemption granted by this Act, the Central Government may by notification in the official Gazette make any other exemption, reduction in rate or other modification in respect of estate duty in favour of any class of property or the whole or any part of the property of any class of persons.

PART IV

AGGREGATION OF PROPERTY AND RATES OF DUTY

Aggregation.

32.—(1) For determining the rate of estate duty to be paid on any property passing on the death of the deceased, all property so passing in respect of which estate duty is leviable shall be aggregated so as to form one estate and the duty shall be levied at the proper graduated rate on the principal value thereof:

Provided that any property so passing, in which the deceased never had an interest, not bring a debt or right or benefit that is treated as property by virtue of the *Explanation* to clause (14) of section 2, shall not be aggregated with any other property, but shall be an estate by itself and the estate duty shall be leviable at the proper graduated rate on the principal value thereof.

(2) Every estate shall include all income accrued upon the property included therein down to and outstanding at the date of the death of the deceased.

(3) Property passing on any death shall not be aggregated more than once, nor shall estate duty in respect thereof be levied more than once on the same death.

Rates of
duty to be
according
to Central
Act.

33. The rates of estate duty shall be according to such scale as may be fixed by an Act of the Central Legislature:

Provided—

(a) that no such duty shall be levied upon estates whose principal value does not exceed one hundred thousand rupees;

(b) that, by way of marginal adjustment, the amount of estate duty payable on an estate at the rate applicable thereto under the scale of rates of duty shall where necessary be reduced so as not to exceed the highest amount of duty which would be payable at the next lower rate, with the addition of the amount by which the value of the estate exceeds the value on which the highest amount of duty would be so payable at the lower rate.

PART V

VALUE CHARGEABLE

Principal
value how to
be estimated.

34.—(1) The principal value of any property shall be estimated to be the price which, in the opinion of Board, it would fetch if sold in the open market at the time of the deceased's death.

(2) In estimating the principal value under this section the Board shall fix the price of the property according to the market price at the time of the deceased's death and shall not make any reduction in the estimate on account of the estimate being made on the assumption that the whole property is to be placed on the market at one and the same time :

Provided that where it is proved to the satisfaction of the Board that the value of the property has been depreciated by reason of the death of the deceased, the depreciation shall be taken into account in fixing the price.

35. Where the Articles of Association of a private company contain restrictive provisions as to the alienation of shares, the value of the shares, if not ascertainable by reference to the value of the total assets of the company, shall be estimated to be what they would fetch if they could be sold in the open market on the terms of the purchaser being entitled to be registered as holder subject to the Articles, but the fact that a special buyer would for his own special reasons give a higher price than the price in the open market shall be disregarded.

Valuation of shares in a private company where alienation is restricted.

36. Where an estate includes an interest in expectancy, estate duty in respect of that interest shall be paid, at the option of the person accountable for the duty, either with the duty in respect of the rest of the estate or when the interest falls into possession and if the duty is not paid with the estate duty in respect of the rest of the estate then—

Valuations of interests in expectancy.

- (a) for the purpose of determining the rate of estate duty in respect of the rest of the estate the value of the interest shall be its value at the date of the death of the deceased ; and
- (b) the rate of estate duty in respect of the interest when it falls into possession shall be calculated according to its value when it falls into possession, together with the value of the rest of the estate as previously ascertained.

37. The value of the benefit accruing or arising from the cessation of an interest ceasing on the death of the deceased shall—

Valuation of benefits from interests ceasing on death.

- (a) if the interest extended to the whole income of the property, be the principal value of that property ; and
- (b) if the interest extended to less than the whole income of the property, be the principal value of an addition to the property equal to the income to which the interest extended.

38. Subject to the provisions of this Act, the value of any property for the purpose of estate duty shall be ascertained by the Board in such manner and by such means as it thinks fit and if it authorises a person to inspect any property and to report the value thereof for the purposes

Valuation to be made by the Board.

of this Act, that person may enter upon the property and inspect it at such reasonable times as the Board considers necessary.

Costs of valuation.

39. Where the Board requires any person to report on the value of any property for the purposes of this Act, the reasonable costs of such valuation shall be defrayed by the Board.

Board may accept and certify valuation when convenient.

40. The Board on application from a person accountable for the duty on any property forming part of an estate shall, where the Board considers that it can conveniently be done, certify the amount of the valuation accepted by the Board for any class or description of property forming part of such estate.

PART VI

DEDUCTION

Allowance for reasonable funeral expenses and for debts and incumbrances.

41.—(1) In determining the value of an estate for the purpose of estate duty, allowance shall be made for reasonable funeral expenses and for debts and incumbrances; but an allowance shall not be made—

- (a) for debts incurred by the deceased, or incumbrances created by a disposition made by the deceased, unless, subject to the provisions of section 26, such debts or incumbrances were incurred or created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest, nor,
- (b) for any debt in respect whereof there is a right to re-imbursement from any other estate or person, unless such re-imbursement cannot be obtained, nor,
- (c) more than once for the same debt or incumbrance charged upon different portions of the estate;

and any debt or incumbrance for which an allowance is made shall be deducted from the value of the property liable thereto.

(2) In determining the value as aforesaid—

- (i) allowance shall also be made, in the case of a Muslim, for dower payable out of the estate to his widow, and, in the case of a Hindu, for marriage expenses payable out of his estate, but only to the extent that such dower or marriage expenses are reasonable; and 'reasonable' means, in the case of dower, not inconsistent with the income and mode of life of the spouses at the time of the marriage to which the dower relates, irrespective of the amount stated as dower in the marriage registration deed, if any, and, in the case of marriage expenses, not inconsistent with the value of the estate, after making allowance for the funeral expenses,

debts and incumbrances for which allowance is made as provided in sub-section (1), and having regard to the income and mode of life of the family before and after the death of the deceased ; and

- (ii) allowance shall also be made as follows, in the case of a Hindu, for maintenance payable out of the estate to any person who is entitled to maintenance thereout for life, namely allowance of the capital value of the maintenance calculated in the prescribed manner.

42. Where a debt or incumbrance has been incurred or created in whole or in part for the purpose of or in consideration for the purchase or acquisition or extinction, whether by operation of law or otherwise, of any interest in expectancy in any property passing or deemed to pass on the death of the deceased and any person whose interest in expectancy is so purchased, acquired, or extinguished becomes (under any disposition made by, or through devolution of law from, or under the intestacy of, the deceased) entitled to any interest in that property, then in determining the value of the estate of the deceased for the purpose of estate duty no allowance shall be made in respect of such debt or incumbrance and any property charged with any such debt or incumbrance shall be deemed to pass freed from that debt or incumbrance : Limitations on debts deductible.

Provided that—

- (a) if part only of such debt or incumbrance was incurred or created for such purpose or as such consideration as aforesaid, this provision shall apply to that part of such debt or incumbrance only ; and
- (b) if a person whose interest in expectancy in the property so purchased, acquired or extinguished becomes entitled to an interest in part only of that property, this provision shall apply only to such part of the debt or incumbrance as bears the same proportion to the whole debt or incumbrance as the value of the part of the property to an interest in which he becomes entitled bears to the value of the whole of that property.

43.—(1) Any allowance which, but for this provision, would be made under section 41 for a debt incurred by the deceased as mentioned in clause (a) of sub-section (1) of that section, or for an incumbrance created by a disposition made by the deceased as therein mentioned, shall be subject to abatement to an extent proportionate to the value of any of the consideration given therefor which consisted of— Further limitations.

- (a) property derived from the deceased ; or
- (b) consideration not being such property as aforesaid, but given by any person who was at any time entitled to, or amongst whose resources there was at any time included, any property derived from the deceased :

Provided that if, where the whole or a part of the con-

sideration given consisted of such consideration as is mentioned in clause (b) of this sub-section, it is proved to the satisfaction of the Board that the value of the consideration given, or of that part thereof, as the case may be, exceeded that which could have been rendered available by application of all the property derived from the deceased, other than such (if any) of that property as is included in the consideration given or as to which the like facts are proved in relation to the giving of the consideration as are mentioned in the proviso to sub-section (1) of section 15 in relation to the purchase or provision of an annuity or other interest, no abatement shall be made in respect of the excess.

(2) Money or money's worth paid or applied by the deceased in or towards satisfaction or discharge of a debt or incumbrance in the case of which sub-section (1) of this section would have had effect on his death if the debt or incumbrance had not been satisfied or discharged, or in reduction of a debt or incumbrance in the case of which that sub-section has effect on his death, shall, unless so paid or applied one year before the death, be treated as property deemed to be included in the property passing on the death and estate duty shall, notwithstanding anything in section 24, be payable in respect thereof accordingly.

(3) The provisions of sub-section (2) of section 15 shall have effect for the purpose of this section as they have effect for the purpose of that section.

Debts to persons resident out of the Provinces of Pakistan not to be deducted in first instance except from duty-paid property outside the Provinces of Pakistan.

44. An allowance shall not be made in the first instance for debts due from the deceased to persons resident out of the Provinces of Pakistan or the Capital of the Federation (unless contracted to be paid in any such Province or the Capital, or charged on properties situate within any such Province or the Capital) except out of the value of any property of the deceased situate out of the said Provinces or Capital in respect of which estate duty is paid: and there shall be no repayment of estate duty in respect of any such debts, except to the extent to which it is shown to the satisfaction of the Board that the property of the deceased situate in the foreign country in which the person to whom such debts are due resides, is insufficient for their payment.

Cost of realising or administering foreign property may be allowed for within certain limits.

45. Where the Board is satisfied that any additional expense in administering or in realising property has been incurred by reason of the property being situate out of the Provinces of Pakistan and the Capital of the Federation, the Board may make an allowance from the value of the property on account of such expense not exceeding in any case five per cent. on the value of the property.

Duty paid in foreign territory on foreign property to

46. Where any property passing on the death of the deceased is situate in a territory outside the Provinces of Pakistan and the Capital of the Federation and the Board is satisfied that by reason of such death any duty is payable in that territory in respect of that property, the Board

shall make an allowance of the amount of that duty from the value of the property. be allowed for.

PART VII

COLLECTION OF THE DUTY

47. Estate duty may be collected by stamps or such other means as the Board may prescribe. Duty may be collected by stamps or otherwise.

48. The Board may prescribe that Government securities shall be accepted in payment of estate duty on such terms as it thinks fit. Payment of duty may be accepted in prescribed Government securities.

49.—(1) Where any property passes on the death of the deceased, every person to whom such property so passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every executor, trustee, guardian, committee or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title, shall be accountable for the whole of the estate duty on the property passing on the death: Persons accountable, and their duties and liabilities.

Provided that nothing in this section shall render a person accountable for duty who acts merely as agent or bailiff for another person in the management of property.

(2) Nothing in this section shall render liable to or accountable for duty a *bona fide* purchaser for valuable consideration without notice.

(3) Every person accountable for estate duty under the provisions of this section shall, within six months of the death of the deceased or such later time as the Board may allow, deliver to the Board and verify to the best of his knowledge and belief, an account of all the property in respect of which estate duty is payable.

(4) Where the person accountable knows of any property which he has not included in his account because he does not know its amount or value, he may state that such property exists, but he does not know the amount or value thereof and that he undertakes, as soon as the amount and value are ascertained, to bring a supplementary account thereof and to pay both the duty for which he may be liable in respect of such property and any further duty payable by reason thereof for which he may be liable in respect of the property mentioned in the original account.

(5) Where two or more persons are accountable, either in the same capacity or in different capacities, for estate duty in respect of the same property, their liability is concurrent.

Every person believed to be in possession to deliver statement of particulars of property as required by Board.

50. Every person accountable for estate duty, every company to which, in the opinion of the Board, a transfer of property has been made by the deceased as mentioned in section 16, every person who is or was at any time an officer or auditor of such a company, and every person whom the Board believes to have taken possession of or administered any part of the estate in respect of which duty is leviable on the death of the deceased, or of the income of any part of such estate, shall, if required by the Board, deliver to the Board and verify, to the best of his knowledge and belief, a statement of such particulars together with such evidence as the Board may require relating to any property which it has reason to believe to form part of an estate in respect of which estate duty is leviable on the death of the deceased.

Penalty for wilful default.

51. A person who wilfully fails to comply with any of the provisions of section 49 or 50 shall be liable to pay a penalty of one thousand rupees or a sum equal to double the amount of the estate duty, if any, remaining unpaid for which he is accountable, according as the Board may elect :

Provided that the Board shall have power to reduce the penalty in any particular case.

Executor to specify all chargeable property with affidavit of valuation.

52. In all cases in which a grant of representation is applied for within six months of the death of the deceased—

- (a) the executor of the deceased shall, to the best of his knowledge and belief, specify in an appropriate account annexed to the affidavit of valuation filed in Court under section 19-I of the Court-fees Act, 1870, all the property in respect of which estate duty is payable upon the death of the deceased and shall deliver a copy of the affidavit with the account to the Board, and
- (b) no order entitling the applicant to the grant of representation shall be made upon his application until he has delivered the account prescribed in sub-section (1) and has produced a certificate from the Board under section 54 or 57 that the estate duty payable in respect of the property included in the account has been or will be paid, or that none is due, as the case may be.

Estate duty when due and how and when to be collected.

53. Estate duty shall be due from the date of the death of the deceased and shall be collected upon the account delivered under section 49 or section 52 or prepared under sub-section (3) of section 55, and amended or modified where necessary as provided in sub-section (1) or sub-section (5) of section 55 ; and interest at the rate of 3 per cent. per annum shall be paid on the duty from the date of the death up to the date of the delivery of the account or the expiration of twelve months after the death, whichever happens first.

Duty to be

54. Upon delivery of the account under section 49 or

section 52, the person delivering it shall pay to the Board, or furnish security to the satisfaction of the Board for the payment of the estate duty, if any, payable in respect of the property included in the account, and the Board shall thereupon grant him a certificate that such duty has been or will be paid, or that none is due, as the case may be.

paid or security for payment furnished for delivery of account and certificate to be granted thereupon.

55.—(1) If the Board is of opinion that the person delivering the account has under-estimated the value of the property in respect of which estate duty is payable (whether by placing too low a value on the property included in the account or by omitting to include therein property that ought to have been included), the Board may inquire into the matter in such manner and by such means as it thinks fit and, if still of opinion that the value of the property has been under-estimated, may require him to amend the valuation.

Board's powers in respect of valuations.

(2) If such person does not amend the valuation to the satisfaction of the Board, the Board may move the High Court to hold an inquiry into the true value of the property :

Provided that no such motion shall be made after the expiration of one year from the date of delivery of the account under section 49 or section 52.

(3) In any case where no account has been delivered as required by section 49 or section 52, the Board may cause an account of the property passing upon the death of the deceased to be prepared in such manner and by such means as it thinks fit and may call upon any person who in its opinion is accountable for the payment of the estate duty in respect of the property to accept such account.

(4) If such person disputes his accountability or the correctness of the account, the Board may move the High Court to hold an inquiry into the matter.

(5) The High Court when moved under sub-section (2) or sub-section (4) shall hold or cause to be held an inquiry accordingly and shall record a finding on the matters in issue. The Board shall be deemed to be a party to the inquiry.

(6) Any person authorized by the High Court to hold the inquiry may take such evidence on oath as he considers necessary and shall submit to the Court a report of the result of the inquiry together with the evidence taken by him and such report and the evidence so taken shall be evidence in the proceeding.

(7) The Central Government shall, within twelve months after the commencement of this Act, and may thereafter from time to time, appoint a sufficient number of qualified persons to act as valuers for the purposes of this Act and shall fix a scale of charges for the remuneration of such persons and the High Court may refer any

question of disputed value under this section to the arbitration of any person so appointed; and the costs of any such arbitration shall be part of the costs in the case.

(8) An appeal shall lie to the Federal Court from any judgment of the High Court delivered on a motion made under this section in any case which the High Court certifies to be a fit case for appeal to the Federal Court.

Explanation.—"High Court" in this section means the High Court to which, or to a Court subordinate to which, an application for a grant of representation has been made, or where no such application has been made, the High Court which would have jurisdiction to entertain such an application.

Grant of representation not to be delayed by Board's motion.

56. Where any grant for representation has been applied for it shall not be delayed by reason of any motion made by the Board under section 55.

Certificate of payment of duty, and penalty for non-payment.

57.—(1) Where the valuation is amended by the person accountable upon the Board's requisition under sub-section (1) of section 55, or is enhanced by the High Court upon the Board's motion under sub-section (2) of section 55, and in any case where the original valuation has been discovered to be too low, such person shall within three months of the amendment or enhancement or discovery pay the deficit duty which is payable in respect of the property upon the amended or enhanced or full valuation and the Board shall thereupon grant him a certificate accordingly.

(2) Where the valuation is reduced by the High Court on the Board's motion under sub-section (2) of section 55, the Board shall refund to the person accountable any excess duty paid by him and shall grant to him a certificate that the full duty payable in respect of the property has been paid.

(3) In any case where no account has been delivered as required by section 49 or section 52, the person who is called upon to accept the account prepared by the Board under sub-section (3) of section 55 shall, within three months of his acceptance or, as the case may be, of the final disposal of the motion made under sub-section (4) of section 55, pay the full duty payable in respect of the property and the Board shall thereupon grant him a certificate accordingly.

(4) If the person accountable does not pay the amount of duty due from him under sub-section (1) or sub-section (3) within the period specified therein, he shall be liable to a penalty of one thousand rupees or a sum equal to five times the amount due according as the Board may elect:

Provided that the Board shall have power to reduce the penalty in any particular case.

(5) Where a person accountable for the estate duty in respect of any property passing on a death applies to the Board at any time and delivers and verifies a full statement to the best of his knowledge and belief of all property passing on such death and the several persons entitled thereto, the Board may determine the estate duty payable in respect of the property and on payment of that duty the Board shall give him a certificate accordingly.

58. The Board in its discretion may, upon application by a person entitled to an interest in expectancy, commute the estate duty which would or might, but for the commutation, become payable in respect of such interest for a certain sum to be presently paid, and, for determining that sum, shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and rate and amount of such duty, and interest being reckoned at three per cent. per annum and on the receipt of such sum the Board shall give a certificate accordingly. Commutation of duty in respect of interests in expectancy.

59. Where, by reason of the number of deaths upon which property has passed or of the complicated nature of the interests of different persons in property which has passed on death, or from any other cause, it is difficult to ascertain exactly the amount of estate duty payable in respect of any property or any interest therein, or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Board, on the application of any person accountable for the duty and upon his giving to the Board all the information in his power respecting the amount of the property and the several interests therein and other circumstances of the case, may by way of composition for all or any of the duties payable in respect of the property or interest and the various interests therein, or any of them, assess such sum on the value of the property or interest, as having regard to the circumstances appears proper, and may accept payment of the sum so assessed in full payment of all claims for estate duty in respect of such property or interest, and shall give a certificate accordingly. Assessment in complicated cases.

60. Where the Board is satisfied that the estate duty leviable in respect of any property cannot, without excessive sacrifice, be raised at once, it may allow payment to be postponed for such period, to such extent, and on payment of such interest not exceeding 4 per cent. or any higher interest yielded by the property, and on such other terms as it may think fit. Board may allow postponement of payment on terms.

61. If after the expiration of twelve years from a death upon which estate duty became leviable any such duty remains unpaid, the Board may, if it thinks fit, on the application of any person accountable or liable for such duty or interested in the property, remit the payment of such duty or any part thereof or any interest thereon. Board may remit duty and interest outstanding after twelve years from death.

Forms.

62. All affidavits, accounts, certificates, statements and forms used for the purposes of this Act shall be in such form and contain such particulars as may be prescribed by the Board and, if so required by the Board, shall be in duplicate, and accounts and statements shall be delivered and verified on oath and by production of books and documents in the manner prescribed by the Board, and any person who wilfully fails to comply with the provisions of this section shall be liable to the penalty mentioned in section 51.

Recovery of duty and penalties.

63.—(1) Notwithstanding anything contained in any other law for the time being in force any estate duty or deficit duty and any interest or penalty payable under this Act may, on the certificate of the Board, be recovered from the person accountable or liable under the provisions of this Act—

- (a) by the Collector as if it were an arrear of land revenue, or
- (b) by a receiver appointed by the Board, or
- (c) by sale under the order of the Board.

(2) A receiver appointed under sub-section (1) shall have such powers and duties and receive such remuneration and the performance of his duties may be enforced in such manner as may be prescribed.

PART VIII

CHARGE OF ESTATE DUTY ON PROPERTY AND FACILITIES FOR RAISING IT.

Estate duty a first charge on property liable thereto.

64. Subject to the provisions of section 19, estate duty shall be a first charge on the property in respect of which it is leviable after the debts and incumbrances allowable under Part VI of this Act.

Private transfers of property void against claim of estate duty.

65. From and after the death of the deceased, any private transfer or delivery of any property passing upon the death by any person to whom it so passes shall be void against any claim in respect of estate duty enforceable under this Act.

Discharge from estate duty in certain cases.

66. A certificate granted by the Board under section 57 or section 59 shall discharge the property included therein and the grantee so far as regards that property from any further claim for estate duty, but shall not discharge any person or property from estate duty in case of fraud or failure to disclose material facts, and shall not affect the duty payable in respect of any property afterwards shown to have passed on the death, nor any further duty payable by reason thereof in respect of the property included in the certificate.

Person accountable to

67. If a person accountable under section 49 pays any part of the estate duty in respect of any property not

passing to him, it shall, where occasion requires, be repaid to him by the trustees or owners of the property.

be repaid
by trustees
and owners
in certain
cases.

68.—(1) A person authorized or required to pay estate duty in respect of any property shall, for the purposes of paying the duty, or raising the amount of the duty when already paid, have power, whether the property is or is not vested in him, to raise the amount of such duty and any interest and expenses properly paid or incurred by him in respect thereof, by the sale of or a terminable charge on that property or any part thereof.

Facilities
for paying
duty or rais-
ing amount
already paid.

(2) A person having a limited interest in any property, who pays the estate duty in respect of that property, shall be entitled to the like charge, as if the estate duty in respect of that property had been raised by means of a mortgage to him.

(3) Any money arising from the sale of property comprised in a settlement or held upon trust to lay out upon the trusts of a settlement may be expended in paying any estate duty in respect of property comprised in the settlement and held upon the same trusts.

PART IX

MISCELLANEOUS

69. Save as provided in this Act, nothing done or in good faith purporting to be done by the Board under this Act shall be called in question in any Court.

Jurisdiction
of Courts
barred save
as expressly
provided.

70.—(1) The Central Government may by notification in the official Gazette empower any officer or authority to discharge the functions of the Board under this Act or the rules made under this Act in respect of any specified matter.

Discharge
of functions
of Board by
officers and
authorities
empowered
by the Central Government.

(2) Where under this Act or the rules made under this Act, the opinion, belief or state of mind of the Board is relevant in any matter, the opinion, belief or state of mind of the officer or authority empowered in respect of such matter under sub-section (1) shall be deemed to be that of the Board.

71. Subject to the condition of previous publication, the Board may make rules not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out the purposes of or giving effect to this Act.

Rule-making
powers of
the Board.

THE CONTINUANCE OF LEGAL PROCEEDINGS ACT, 1950

¹ACT No. XI OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
23rd January, 1950)*

An Act to provide for the continuance of certain legal proceedings by or against the Secretary of State.

Whereas it is expedient to provide for the continuance of certain legal proceedings by or against the Secretary of State in respect of any right of Pakistan or any part thereof which were pending immediately before the fifteenth day of August, 1947;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Continuance of Legal Proceedings Act, 1950. Short title,
extent and
commence-
ment.

(2) It extends to all the Provinces of Pakistan and the Capital of the Federation.

(3) It shall come into force at once.

2. In this Act "the appointed day" means the fifteenth day of August, 1947, and "the Act" means the Indian Independence Act, 1947. Interpreta-
tion (10 &
11 Geo. VI,
c. 30).

3. Any legal proceedings by or against the Secretary of State which immediately before the appointed day were pending in any court within the territories which, as from the appointed day, became the territories of Pakistan by virtue of sub-section (2) of section 2 of the Act and were in respect of any right in Pakistan or any part thereof shall— Continuance
of legal
proceedings.

- (i) if the right in question was that of the Governor-General-in-Council, be continued by or against the Dominion of Pakistan;
- (ii) if the right in question was that of East Bengal or the Punjab as constituted by the Act, be continued by or against that Province;
- (iii) if the right in question was that of the Province of Sind, the North-West Frontier Province or Baluchistan, be continued by or against that Province; and

⁴ For Statement of Objects and Reasons, see Gazette of Pakistan, Extraordinary. 1949, p. 768.

- (iv) if the right in question was that of the Capital of the Federation, be continued by or against the Administrator of Karachi.

Exclusion
of time in
computing
period of
limitation.

4. In computing the period of limitation prescribed for any appeal or application to a court in respect of any such proceedings as aforesaid, the period from the appointed day to the commencement of this Act shall be excluded.

ACT No. XII OF 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd January, 1950.)

An Act to amend the Agricultural Produce Cess Act, 1940.

XXVII of 1940. WHEREAS it is expedient to amend the Agricultural Produce Cess Act, 1940, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Agricultural Produce Cess (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

XXVII of 1940. 2. For the long title of the Agricultural Produce Cess Act, 1940 (hereinafter referred to as the said Act), the following long title shall be substituted, namely :— Substitution of new long title for long title, Act XXVII of 1940.

“An Act to provide for setting up and financing a Committee for promoting scientific, technological, social and economic research and education relating to food, agriculture, animal husbandry and fisheries”.

3. For the preamble of the said Act the following preamble shall be substituted, namely :— Substitution of new preamble for preamble, Act XXVII of 1940.

“Whereas it is expedient to provide for setting up and financing a Committee for promoting scientific, technological, social and economic research and education relating to food, agriculture, animal husbandry and fisheries ;”.

4. In section 2 of the said Act, for clause (b) the following shall be substituted, namely :— Amendment of section 2, Act XXVII of 1940.

“ (b) “ the Committee ” means the Pakistan Food and Agriculture Committee ”.

5. In the existing proviso to sub-section (1) of section 3 of the said Act, for the word “India” the word “Pakistan” shall be substituted, and to the said sub-section the following further proviso shall be added, namely :— Amendment of section 3, Act XXVII of 1940.

“Provided further that the Central Government may, by notification in the Official Gazette, vary the rate at which customs duty shall be levied.”

6. In section 4 of the said Act, the words “after previous consultation with the Council” shall be omitted. Amendment of section 4, Act XXVII of 1940.

7. In clause (a) and clause (b) of section 5 of the said Act, for the word “India” the word “Pakistan” shall be substituted at both places. Amendment of section 5, Act XXVII of 1940.

Insertion of
new sections
5-A, 5-B and
5-C, Act
XXVII of
1940.

8. After section 5 of the said Act, the following new sections shall be inserted, namely :—

“5-A. (1) As soon as may be after the commencement of this Act, the Central Government shall set up the Committee to be set up, Committee

(2) The Central Government may at any time, by notification in the Official Gazette, replace the Committee by such other body as it may consider necessary and that body shall thereafter be deemed to be the Committee for the purposes of this Act.

(3) The Committee shall consist of such members as the Central Government may, by notification in the Official Gazette, appoint to be members and the Central Government shall appoint from among them one to be the Chairman and one to be the Vice-Chairman of the Committee.

5-B. The Committee shall be a body corporate by the name of the Pakistan Food and Agriculture Committee, having perpetual succession and a common seal with powers to acquire and hold property both moveable and immoveable, and to contract, and shall by the said name sue and be sued. Committee to be a corporate body.

5-C. (1) The Central Government shall appoint a person to be the Secretary of the Committee. Secretary and staff of Committee.

(2) The Committee may appoint such Sub-Committees and staff as may be necessary for the efficient performance of its functions under this Act.

(3) The Central Government may, on the recommendation of the Committee, appoint an officer or officers, to discharge under the direction of the Committee such duties as may be prescribed, and such officer or officers shall be paid by the Committee such salary and allowances as may be fixed by the Central Government in consultation with the Committee.”

Amendment
of section 6,
Act XXVII
of 1940.

9. In section 6 of the said Act—

- (a) in sub-sections (1), (2) and (3), for the word “Council” wherever it occurs the word “Committee” shall be substituted; and
- (b) in sub-section (1) after the word “Act” the words and figures “since the fifteenth day of August 1947” shall be inserted.

Insertion of
sections 6-A,
6-B, 6-C and
6-D, Act
XXVII of
1940.

10. After section 6 of the said Act the following new sections shall be inserted, namely :—

“6-A. The Committee shall adopt such measures as it may consider necessary or expedient for— Committee to promote research.

- (i) promoting scientific, technological, social and economic research and education relating to food, agriculture, animal husbandry and fisheries;

- (ii) co-ordinating research into matters relating to food, agriculture, animal husbandry and fisheries and determining in what order schemes of research shall be pursued ;
- (iii) acquiring and disseminating knowledge relating to food, agriculture, animal husbandry and fisheries ; and
- (iv) discharging such other functions as may, by notification in the Official Gazette, be assigned to it by the Central Government.

Financial assistance to Committee.

6-B. The Committee may accept financial assistance or grants in furtherance of its objects and in order to discharge its functions.

Annual report.

6-C. (1) The Committee shall publish an annual report and shall keep accounts of all moneys received by it under this Act or otherwise and of the manner in which these moneys are spent and shall publish a summary of the accounts along with the annual report.

(2) Such accounts shall be examined and audited annually in the prescribed manner and the auditors shall have power to disallow any item which has been, in their opinion, spent otherwise than in pursuance of the purposes of this Act.

(3) The Committee may appeal to the Central Government within the prescribed period against the disallowance of any item and the decision of the Central Government shall be final.

Dissolution of Committee.

6-D. The Central Government may, with the previous approval of the Central Legislature, by notification in the Official Gazette declare that with effect from such date as may be specified in the notification the Committee shall be dissolved, and on the making of such declaration all funds and other property vested in the Committee shall vest in the Central Government and this Act shall be deemed to have been repealed."

11. Sections 7, 8 and 9 of the said Act shall be omitted.

Omission of sections 7, 8 and 9, Act XXVII of 1940.

12. After section 9 of the said Act the following new sections shall be added, namely :—

Addition of new sections 10, 11 and 12, Act XXVII of 1940.

Power to make rules.

"10. (1) The Central Government may, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) regulating the expenditure of the money received by the Committee under this Act or any other Act ;

- (b) the term of office of members of the Committee ;
- (c) the circumstances in which and the authority by which any member may be removed ;
- (d) the quorum of the Committee ;
- (e) the minimum number of meetings of the Committee during any year ;
- (f) the maintenance by the Committee of a record of all business transacted and the submission of copies of such records to the Central Government ;
- (g) the powers of the Committee to enter into contracts which shall be binding on the Committee and the manner in which such contracts shall be executed ;
- (h) the travelling allowances of members of the Committee and of their remuneration, if any ;
- (i) the powers of the Committee in respect of the appointment, promotion and dismissal of officers and servants of the Committee, and in respect of the creation and abolition of appointments of such officers or servants ;
- (j) the grant of pay (which shall not, except in the case of a person having specialist's qualifications, exceed two thousand rupees per mensem) and leave to officers and servants of the Committee, and the payment of leave allowances to such officers and servants, and the remuneration to be paid to any person appointed to act for any officer or servant to whom leave is granted ;
- (k) the payment of pensions, gratuities, compassionate allowances and travelling allowances to officers and servants of the Committee ;
- (l) the establishment and maintenance of a provident fund for the officers and servants of the Committee, and for the deduction of subscriptions to such provident fund from the pay and allowances of such officers and servants other than Government servants whose services have been lent or transferred to the Committee ;
- (m) the budget estimates of the annual receipts and expenditure of its funds and of supplementary estimates of expenditure not included in the budget estimates, and the manner in which such estimates shall be sanctioned and published ;
- (n) the powers of the Committee, the Finance Sub-Committee, if any, the Chairman and the Vice-Chairman respectively, in regard to the expenditure from its funds whether provision has or has not been made in the budget

estimates or by re-appropriation for such expenditure, and in regard to the re-appropriation of estimated savings in the budget estimates of expenditure ;

- (o) the maintenance of accounts of the receipts and expenditure of its funds and providing for the audit of such accounts ;
- (p) the manner in which payments are to be made by or on behalf of the Committee and the officers by whom orders for making deposits or investments or for withdrawals or disposal of the funds of the Committee shall be signed ;
- (q) the custody in which the current account of the funds of the Committee shall be kept, and the bank at which surplus moneys at the credit of the Committee may be deposited at interest, and the conditions on which such moneys may be otherwise invested ;
- (r) the preparation of a statement showing the sums allotted to Departments of Agriculture and Industries or institutions not under the direct control of the Committee for expenditure on research, the actual expenditure incurred, the outstanding liabilities, if any, and the disposal of unexpended balances at the end of the year ;
- (s) the duties of the officers appointed under subsection (3) of section 5-C ;
- (t) the manner in which any amount of duty paid in excess may be refunded ;
- (u) any other matter which is to be or may be prescribed.

Regulations
by Com-
mittee.

11. The Committee may, with the previous sanction of the Central Government, make regulations not inconsistent with this Act or with any other Act under which the proceeds of any cesses are payable to it or with any rules made thereunder to provide for all or any of the following matters, namely :—

- (a) the appointment of Sub-Committees and the delegation thereto of any powers exercisable under this Act by the Committee ;
- (b) the method of appointment, removal and replacement and the term of office of members of the Sub-Committee, and for the filling of vacancies therein ;
- (c) the dates, times and places for meetings of the Committee and the Sub-Committees and the procedure to be observed at such meetings ;

- (d) the circumstances in which security may be demanded from officers and servants of the Committee, and the amount and nature of such security in each case ;
- (e) the times at which, and the circumstances in which, payments may be made out of the provident fund and the conditions on which such payments shall relieve the fund from further liability ;
- (f) the contribution, if any, payable from the funds of the Committee to the provident fund ; and
- (g) generally all matters incidental to the provident fund and the investment thereof.

12. All rules made under section 10 and all regulations made under section 11 shall be published in the Official Gazette." Rules and regulations to be published.

THE PASSPORT (AMENDMENT) ACT, 1950.

¹ACT No. XIII OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd
January, 1950.)

An Act to amend the Passport Act, 1920

XXX-
IV of
1920. WHEREAS it is expedient to amend the Passport Act,
1920, for the purposes hereinafter appearing:

It is hereby enacted as follows:—

- 1.—(1) This Act may be called the Passport (Amend- Short title
ment) Act, 1950. and com-
mencement.
- (2) It shall come into force at once.
2. For sub-section (2) of section 1 of the Passport Act, Amendment
1920, hereinafter called the said Act, the following shall of section 1,
be substituted, namely:— Act XXXIV
of 1920.
“(2) It extends to the whole of Pakistan.”.
3. In section 3 of the said Act, for the words “the Amendment
Provinces and the Capital of the Federation” occurring of section 3,
in sub-section (1) and sub-section (2) the word Act XXXIV
“Pakistan” shall be substituted at both places. of 1920.
4. In section 5 of the said Act, for the words “the Amendment
Provinces and the Capital of the Federation” the word of section 5,
“Pakistan” shall be substituted at both places. Act XXXIV
of 1920.
5. After section 5 of the said Act, the following new Addition of
section shall be added, namely:— new section,
Act XXXIV
of 1920.
“6.—(1) Every passport issued by or on behalf of the Power to im-
Central Government shall be the property of the Central pound or
Government and the Central Government shall have confiscate.
power to impound or confiscate the same or require its
return.
(2) The Central Government shall have the like power
in respect of every passport, held by a British subject
domiciled in Pakistan or by a subject of any Acceding
State or by a native of any area included in the Federa-
tion under clause (bb) of sub-section (1) of section 5 of
the Government of India Act, 1935.
(3) The power conferred by this section shall not be
exercised save by an order under the hand of a Secretary
to the Government of Pakistan.”.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950.
Pt. V, p. 2.

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ACT No. XIV OF 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd January, 1950.)

An Act further to amend the Code of Criminal Procedure, 1898.

V of 1898. WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

V of 1898. 2. In section 503 of the Code of Criminal Procedure, 1898, (hereinafter referred to as "the said Code"),— Amendment of section 503, Act V of 1898.

(a) for sub-sections (2) and (2A) the following shall be substituted, namely :—

" (2) When the witness resides in an area included in the Federation under clause (bb) of sub-section (1) of section 5 of the Government of India Act, 1935, the commission may be issued to the officer exercising the power of a District Magistrate in or in relation to such area.

(2A) When the witness resides in an Acceding State or in an area in or in relation to which the Governor-General has extra-provincial jurisdiction within the meaning of the Extra-Provincial Jurisdiction Order, 1949, the Commission may be issued to such Court or Officer in the State or area as may be recognised by the Central Government, or, in relation to the area, by the Governor-General, by notification in the Official Gazette as a Court or officer to which or to whom commissions may be issued under this sub-section and within the local limits of whose jurisdiction the witness resides.

(2B) When the witness resides in the United Kingdom or any other country of the Commonwealth other than Pakistan, or in the Union of Burma, the commission may be issued to such Court or Judge having authority in this behalf in that country as may be specified by the Central Government by notification in the Official Gazette"; and

(b) for sub-section (4) the following shall be substituted, namely :—

" (4) Where the commission is issued to an officer exercising the powers of a District Magistrate

in or in relation to an area mentioned in sub-section (2) or to such officer as is mentioned in sub-section (2A) he may, in lieu of proceeding in the manner provided in sub-section (3), delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in the Provinces and the Capital of the Federation."

Amendment
of section
505, Act V
of 1898.

3. In section 505 of the said Code,—

V of 1898.

- (a) in sub-section (1), for the words, brackets, letter and figures "and, except in a case to which clause (b) of sub-section (4) of section 503 applies, the Magistrate or officer to whom the commission is directed, or" the words "and when the commission is directed to a Magistrate or officer mentioned in section 503, such Magistrate or the Officer" shall be substituted, and the sentence beginning with the words "In a case to which" and ending with the words "Commission for execution" shall be omitted; and
- (b) in sub-section (2), the words, brackets, letter and figures "except in a case to which clause (b) of sub-section (4) of section 503 applies, before such" shall be omitted.

Amendment
of section
507, Act V
of 1898.

4. In sub-section (1) of section 507 of the said Code, the words, brackets, letter and figures "or, in a case to which clause (b) of sub-section (4) of section 503 applies, has been again received by the officer by whom it was forwarded to the State Court" shall be omitted.

Amendment
of section
508A, Act V
of 1898.

5. In section 508A of the said Code, for the words "by a Magistrate or Court in Burma under the law in force in Burma" the words "by any Court or Judge having authority in this behalf in the United Kingdom or in any other country of the Commonwealth other than Pakistan or in the Union of Burma under the law in force in that country" shall be substituted.

ACT No. XV OF 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd January, 1950.)

An Act to amend the Control of Shipping Act, 1947.

XV of 1947. WHEREAS it is expedient to amend the Control of Shipping Act, 1947, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Control of Shipping Short title. (Amendment) Act, 1950.

2. In section 1 of the Control of Shipping Act, 1947 (hereinafter referred to as "the said Act"), Amendment of section 1, Act XXVI of 1947. in sub-section (2), for the words "all the Provinces of Pakistan and the Capital of the Federation" the words "the whole of Pakistan" shall be substituted, and for the words "in the Provinces of Pakistan and the Capital of the Federation" the words "in Pakistan" shall be substituted.

3. In all sections of the said Act, other than section 1, for the words "the Provinces of Pakistan and the Capital of the Federation" wherever they occur, the word "Pakistan" shall be substituted. Substitution of territorial designations, Act XXVI of 1947.

4. In section 2 of the said Act, clauses (a), (b), (c), (d) and (e) shall be re-lettered (b), (c), (d), (e) and (f) respectively, and before clause (b), as so re-lettered, the following shall be inserted, namely :— Amendment of section 2, Act XXVI of 1947.

' (a) "coasting trade" means the carriage by water of passengers or goods between any port or place in Pakistan and any other port or place in the Indo-Pakistan sub-continent ; ' ;

and in clause (b) as so re-lettered the word "Indian" shall be omitted.

5. After section 3 of the said Act, the following shall be inserted, namely :— Insertion of new section 3A in Act XXVI of 1947.

Licences for Coasting trade of Pakistan. " 3A. (1) No ship shall engage in coasting trade except under a valid licence granted by a Shipping Authority under this section.

(2) A licence granted under this section may be either a general licence or a specified voyage licence or a licence for a specific period and shall be subject

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to such conditions as may be specified by the Shipping Authority granting the licence.

(3) The Shipping Authority may, in its discretion at any time, revoke, cancel or modify a licence granted under this section."

Amendment of section 4, Act XXVI of 1947. 6. In section 4 of the said Act, the word "Indian" shall be omitted, and after the word "Pakistan" as substituted by section 3 of this Act the words "or to a ship engaged in coasting trade" shall be inserted.

Amendment of section 5, Act XXVI of 1947. 7. In sub-section (2) of section 5 of the said Act, and in the proviso to that sub-section for the expression "the continent of India" the expression "the Indo-Pakistan sub-continent" shall be substituted at both places.

Amendment of section 6, Act XXVI of 1947. 8. In section 6 of the said Act, for the expression "the continent of India" the expression "the Indo-Pakistan sub-continent" shall be substituted.

Amendment of section 7, Act XXVI of 1947. 9. In clause (i) of section 7 of the said Act, the following words shall be added at the end, namely :—

"or has carried during any period specified in this behalf in the notice".

Amendment of section 8, Act XXVI of 1947. 10. In sub-section (4) of section 8 of the said Act, the words "a Presidency Magistrate or" shall be omitted.

ACT No. XVI OF 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 27th January, 1950.)

An Act to provide for the establishment of a Board of Secondary Education for the Capital of the Federation.

WHEREAS it is expedient to provide for the regulation, organisation, development and control of Secondary Education in the Capital of the Federation;

It is hereby enacted as follows :—

1. (1) This Act may be called the Karachi Short title, extent and commencement. Secondary Education Act, 1950.

(2) It extends to the Capital of the Federation.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless there is anything repugnant Definitions. in the subject or context,—

(1) "Board" means the Karachi Board of Secondary Education;

(2) "approved" means approved by the Board or its Executive Committee;

(3) "prescribed" means prescribed by rules made by the Board;

(4) "secondary education" means post-primary education, including technical education, but excluding University education;

(5) "secondary school" means an institution where secondary education is imparted and students are prepared for any examination held by the Board;

3. (1) The Central Government shall, as soon as Constitution may be, constitute a Board for the regulation, of Board. organisation, development and control of secondary education.

(2) The Board shall be known as "The Karachi Board of Secondary Education" and shall be a body corporate with perpetual succession and a common seal and shall sue and be sued by the said name.

4. The Board shall be composed of the following Composition of Board. members, namely :—

(a) The President, to be appointed by the Central Government;

(b) The Educational Adviser to the Central Government *ex-officio*;

(c) The Director of Education, Karachi, *ex-officio* ;

(d) The Chairman of the Pakistan Public Service Commission *ex-officio* ;

(e) Mayor of the Municipal Corporation of Karachi *ex-officio* ;

(f) Three persons to be elected from among themselves by the members of the Federal Legislature of whom one shall be a woman ;

(g) One person versed in Islamic learning to be nominated by the Central Government ;

(h) Five persons (of whom two shall be women) to be nominated by the Central Government from among non-officials who are interested in education and have been associated with educational institutions ;

(i) One person to be elected from among themselves by the Head Masters of Government Secondary Schools in Karachi ;

(j) One person to be elected from among themselves by the Head Masters of non-Government Secondary Schools in Karachi ;

(k) One person to be elected from among themselves by the Head Mistresses of Government Secondary Schools for Girls in Karachi ;

(l) One person to be elected from among themselves by the Head Mistresses of non-Government Girls' Schools in Karachi ;

(m) The Inspector of Schools, Karachi, *ex-officio* ;

(n) The Inspectress of Schools, Karachi, *ex-officio* ;
and

(o) Three persons to be nominated by the Central Government to represent technical education.

No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board.

Life of the
Board.

5. (1) The Board shall be re-constituted every three years.

(2) Notwithstanding anything in sub-section (1) the President shall hold office for the term to be determined under the provisions of section 7, but subject to the provisions of sub-section (3) the members of the Board other than the members *ex-officio* shall hold office for a term of three years from the date of their election or nomination as the case may be :

Provided that a member appointed, elected or nominated as such in virtue of his membership of any body or group of persons mentioned in section 4 shall hold office only for so long as he continues to be a member of that group or body.

(3) Where, under the provisions of sub-section (2) the term of a member other than the President or other than a member *ex-officio* would, but for this sub-section terminate on a date beyond the date on which the Board would be due to be re-constituted under sub-section (1), the term shall end on the date the Board is reconstituted.

5A. If any vacancy occurs by death, resignation or otherwise amongst the members of the Board the vacancy shall be filled in by election or nomination as the case may be in such manner as prescribed.

6. (1) At all meetings of the Board and the Executive Committee the President, and in his absence a person to be elected from among themselves by the persons present, shall preside. President to preside at meetings.

(2) At meetings of any Advisory Committee, the President if present shall preside, and in his absence the persons present shall elect a person from among themselves to preside at that meeting.

7. The President shall be appointed by the Central Government for such term and shall receive such salary or allowances as the Central Government may determine. Term and salary of President.

8. The Board shall—

- (a) appoint a Secretary as well as a Treasurer ;
 - (b) appoint such other officers and servants as the Board deems necessary to carry out the purposes of this Act ;
 - (c) require and take from the Secretary, or from any other officer or servant, such security for the due performance of his duty as the Board deems necessary ; and
 - (d) with the previous sanction of the Central Government, fix the scale of remuneration and allowances to be paid, if any, to the officers and servants of the Board.
- Officers and servants of the Board.

9. (1) Subject to any general or special direction or order of the Central Government, the Board shall have power to organise, regulate, develop and control secondary education in the area under its jurisdiction. Powers of the Board.

(2) In particular and without prejudice to the generality of the power conferred by the preceding sub-section, the Board shall have power :—

- (a) to prescribe any syllabus, curriculum and text-book ;
- (b) to hold and conduct examinations ;
- (c) to admit candidates to such examinations ;

- (d) subject to the previous approval of the Central Government, to lay down conditions for the recognition of secondary schools ;
- (e) to recognise secondary schools ;
- (f) to institute awards, scholarships and prizes ;
- (g) to grant certificates to persons who have passed its examinations ;
- (h) to levy such fees as may be prescribed ;
- (i) to supervise the residence, health and discipline of the students of its recognised institutions and promote their welfare generally ;
- (j) to regulate hostels and lodgings for students ;
- (k) to organise lectures, demonstrations, educational exhibitions and such other activities as will promote and develop secondary education ; and
- (l) to publish text-books in accordance with the prescribed procedure.

(3) All rules and regulations of the Board shall be subject to the previous approval of the Central Government.

Executive Committee.

10. The Board shall constitute an Executive Committee of the following members, namely :—

- (a) the President of the Board ;
- (b) the Educational Adviser to the Government of Pakistan ;
- (c) the Director of Education, Karachi ;
- (d) one of the persons mentioned in clause (f) of section 4, to be elected by the Board ;
- (e) three persons of whom one at least shall be a woman to be elected by the members of the Board from among themselves ;
- (f) two of the three persons mentioned in clause (c) of section 4, to be elected by the Board.

Powers of Executive Committee.

11. Subject to the general supervision of the Board, the Executive Committee shall have the following powers, namely :—

- (a) to grant or refuse recognition to secondary schools ;
- (b) to permit candidates to appear for the examinations of the Board ;

(c) to hold and conduct the examinations of the Board, including the appointment of examiners, preparation and moderation and printing of question-papers and tabulations of results and submission of the final results of the examinations to the Board for approval and publication;

(d) to prescribe text-books after considering the recommendations of the Committees of courses and studies; and

(e) to exercise such other powers as may be delegated to it by the Board.

12. Members of the Executive Committee other than *ex-officio* members shall hold office for as long as they remain members of the Board, and shall be eligible for re-election or re-appointment. Tenure of members of Executive Committee.

13. The Board may constitute such Advisory Committees as it thinks fit. Advisory Committees.

14. (1) There shall be a meeting of the Board, to be called the annual meeting, ordinarily in the month of July every year. Meetings of the Board.

(2) In addition to the annual meeting, a meeting of the Board shall be called:

(a) to consider the results of its annual examinations;

(b) at any time if the President considers it necessary; and

(c) on a requisition submitted to the President by not less than nine members of the Board, to consider a specific matter of urgency and importance.

15. All questions at a meeting of the Board or the Executive Committee or any Advisory Committee shall be decided by the majority of the members present and voting, and in case of equality of votes the person presiding shall have a second and casting vote. Question to be decided by vote.

16. (1) The income of the Board and all endowments, donations and grants to the Board shall be paid into a fund to be kept at a bank approved by the Central Government. The Board's fund.

(2) The fund shall vest in the Board which shall prescribe the manner in which payments thereout shall be made.

17. (1) Except in the year in which the Board is first constituted, the President of the Board shall submit in every financial year to the Board in its Annual Meeting a report on the working of the Board during the preceding financial year and submit an account of income and expenditure during that year. Annual report and budget.

(2) In the same Annual Meeting of the Board the President shall submit the budget of the Board for the succeeding financial year as prepared by the Executive Committee.

(3) The Board shall approve the Budget with such modifications as it may think necessary.

(4) The Budget so approved shall be submitted to the Administrator of Karachi who shall forward it with his remarks to the Central Government for sanction.

(5) The Board shall not incur any expenditure in excess of the sanctioned budget or incur any financial liability without the previous sanction of the Central Government.

(6) The financial year of the Board shall begin on the first day of April.

**Audit of
accounts.**

18. (1) The accounts of the Board shall be audited in every financial year by an officer to be deputed by the Auditor-General of Pakistan.

(2) The Board shall submit to the Central Government its annual report and statement of accounts as soon as they have been passed by the Board.

**Affiliation
of institu-
tions to the
Board.**

19. From the commencement of this Act, no institution within the jurisdiction of the Board shall remain affiliated or be affiliated to any other Board of Education, University or similar organisation.

**Power to
make rules.**

20. The Board may make rules, not inconsistent with the provisions of this Act for carrying into effect the purposes of this Act.

**Power to
make
regulations.**

21. The Board and the Executive Committee may make regulations for the conduct of business at their meetings and for such other matters within the purposes of this Act, not being matters for which rules are to be made under this Act, as they may think fit.

ACT No XVII OF 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 27th January, 1950.)
An Act to amend the Essential Supplies (Temporary Powers) Act, 1946.

WHEREAS it is necessary to amend the Essential Supplies (Temporary Powers) Act, 1946 for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Essential Supplies (Temporary Powers) (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once and be deemed to have taken effect on the first day of January, 1948.

2. In section 2 of the Essential Supplies (Temporary Powers) Act, 1946, hereinafter referred to as the said Act, in Clause (f), after the words "Chief Commissioner" the words "and in relation to the Capital of the Federation means the Administrator of Karachi" shall be inserted. Amendment of section 2 of Act XXIV of 1946.

3. In section 3 of the said Act—

Amendment of section 3 of Act XXIV of 1946.

In sub-section (1) after the words "at fair prices" the words "or, in respect of cloth and yarn for recovering any increase in those prices accruing before the seventeenth day of August, 1949, upon a direction of a competent authority increasing those prices, or, in respect of cloth and yarn, for recovering the margins accruing before the seventeenth day of August, 1949, to a particular class of dealers upon a direction of such authority eliminating that class" shall be inserted.

In sub-section (2), after clause (c) the following shall be inserted, namely :—

" (cc) in respect of cloth and yarn, for the payment by a producer or a dealer to the Central Government of—

(i) any increase in the price arising upon a direction of a competent authority fixing the price therefor ; or

(ii) any margins accruing to a particular class of dealers upon a direction of a competent authority eliminating that class ;

and an order under this clause may be given effect from any date after the thirty-first day of December, 1947 ;".

Price : Anna 1

ACT No. XVIII OF 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 27th January, 1950.)

An Act to amend the Indian Coconut Committee Act, 1944.

X of 1944. WHEREAS it is expedient to amend the Indian Coconut Committee Act, 1944 for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Coconut Committee (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

X of 1944. 2. In the long title of the Indian Coconut Committee Act, 1944 (hereinafter referred to as the said Act), for the words "the creation of a fund" the words "financing a Committee" shall be substituted, and for the word "India" the word "Pakistan" shall be substituted. Amendment of long title Act X of 1944.

3. In the preamble of the said Act for the words "the creation of a fund to be expended by a Committee specially constituted in this behalf" the words "financing a Committee" shall be substituted, and for the word "India" the word "Pakistan" shall be substituted. Amendment of preamble, Act X of 1944.

4. In section 1, in sub-section (1), the word "Indian" shall be omitted. Amendment of section 1, Act X of 1944.

5. In section 2 of the said Act—

(a) in clause (b) for the words "Indian Coconut Committee constituted under this Act" the words "Pakistan Food and Agriculture Committee set up under the Agricultural Produce Cess Act, 1940", shall be substituted ; and Amendment of section 2, Act X of 1944.

(b) clause (bb) shall be omitted.

6. In section 3 of the said Act—

(a) in sub-section (1) the words "after consulting the Committee" shall be omitted, a semi-colon shall be substituted for the full-stop, and the following proviso shall be added at the end, namely :— Amendment of section 3, Act X of 1944.

"Provided that the Central Government may by notification in the Official Gazette vary, the rate at which the duty of excise shall be levied and collected ;

- (b) in sub-section (2) the words "and the Committee shall credit the said proceeds and any other monies received by it to a fund to be called the Oilseeds Improvement Fund" shall be omitted ; and
- (c) after sub-section (2) the following new sub-section shall be added, namely :—
 " (3) The proceeds of the duties recovered since the fifteenth day of August 1947 after deducting expenses of collection and recovery if any shall be paid to the Committee forthwith. "

Omission of sections 4, 5, 6, 7 and 8, Act X of 1944. 7. Sections 4, 5, 6, 7 and 8 of the said Act shall be omitted.

Amendment of section 9, Act X of 1944.

8. In section 9 of the said Act—

- (a) in sub-section (1) for the words "apply the Fund to meeting the expenses of the Committee and the cost of" the word "take" shall be substituted and the words "to take" shall be omitted ; and
- (b) in sub-section (2) the words "utilise the Fund to" shall be omitted ; and in clause (i) the words "India and abroad" shall be omitted.

Amendment of section 12, Act X of 1944.

9. In section 12 of the said Act—

- (a) in sub-section (1), the words and comma "or in a Presidency-town, to the Chief Judge of the Small Cause Court", and
- (b) in sub-section (2), the words and commas "or the Chief Judge of the Small Cause Court, as the case may be,"

shall be omitted.

Omission of sections 16 and 17, Act X of 1944.

10. Sections 16 and 17 of the said Act shall be omitted.

Omission of section 18, Act X of 1944.

11. In section 18 of the said Act sub-section (2) shall be omitted.

Omission of section 19, Act X of 1944.

12. Section 19 of the said Act shall be omitted.

Amendment of section 20, Act X of 1944.

13. In section 20 of the said Act, the words "and all regulations made under section 19" shall be omitted and for the words "Gazette of India" the words "Official Gazette" shall be substituted.

ACT No. XIX OF 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 27th January, 1950.)

An Act to amend the Indian Oilseeds Committee Act, 1946.

WHEREAS it is expedient to amend the Indian Oil-
IX of 1946. seeds Committee Act, 1946 for the purposes herein-
after appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Oilseeds Commit- Short title
tee (Amendment) Act, 1950. and com-
mencement.

(2) It shall come into force at once.

IX of 1946 2. In the long title of the Indian Oilseeds Committee Amendment
Act, 1946, (hereinafter referred to as the said Act) of long title,
for the words "the creation of a fund to be expended Act IX of
by a Committee specially constituted" the words 1946.
"financing a Committee" shall be substituted.

3. In the preamble of the said Act for the words Amendment
"the creation of a fund to be expended by a Committee of preamble,
specially constituted in this behalf" the words "financ- Act IX of
ing a Committee" shall be substituted. 1946.

4. In section 1 of the said Act the word "Indian" Amendment
shall be omitted. of section 1,
Act IX of
1946.

5. In section 2 of the said Act—

(a) clauses (a) and (d) shall be omitted, and Amendment
clauses (b), (c), (e), (f), (g) and (h) shall Act IX of
be re-lettered as clauses (a), (b), (c), (d), 1946.
(e) and (f) respectively ; and

(b) in clause (b) as so re-lettered, for the words
"Indian Oilseeds Committee constituted
under this Act" the words "Pakistan Food
and Agriculture Committee set up under the
Agricultural Produce Cess Act, 1940" shall
be substituted.

6. In section 3 of the said Act—

(a) in sub-section (1)—

(i) in clause (b) for the word "India" the Amendment
word "Pakistan" shall be substituted ; of section 3
Act IX of
1946.
and

(ii) in the first proviso the words "and after
consulting the Committee" shall be omit-
ted and for the word "lesser" the word
"different" shall be substituted ;

(b) in sub-section (2) the words "and the Com-
mittee shall credit the said proceeds and any
other monies received by it to a fund to be
called the Oilseeds Improvement Fund" shall
be omitted ; and

- (c) after sub-section (2) the following new sub-section shall be added, namely :—

“(3) The proceeds of the duties recovered since the fifteenth day of August 1947 after deduction of the expenses, if any, of collection and recovery shall be paid to the Committee forthwith”.

Omission of sections 4, 5, 6, 7 and 8, Act IX of 1946.

7. Sections 4, 5, 6, 7 and 8 of the said Act shall be omitted.

Amendment of section 9, Act IX of 1946.

8. In section 9 of the said Act—

- (a) in sub-section (1) for the words “apply the Fund to meeting the expenses of the Committee and the cost of ” the word “take” shall be substituted and the words “to take” shall be omitted ; and
- (b) in sub-section (2) the words “utilise the Fund to” shall be omitted.

Amendment of section 12, Act IX of 1946.

9. In section 12 of the said Act—

- (a) in sub-section (1) the words and comma “or in a Presidency-town, to the Chief Judge of the Small Cause Court”, and
- (b) in sub-section (2) the words and commas “or the Chief Judge of the Small Cause Court, as the case may be,”

shall be omitted.

Omission of Sections 15 and 16, Act IX of 1946.

10. Sections 15 and 16 of the said Act shall be omitted.

Amendment of section 17, Act IX of 1946.

11. Sub-section (2) of section 17 of the said Act shall be omitted.

Omission of section 18, Act IX of 1946.

12. Section 18 of the said Act shall be omitted.

Amendment of section 19, Act IX of 1946.

13. In section 19 of the said Act, the words “and all regulations made under section 18” shall be omitted, and for the words “Gazette of India” the words “Official Gazette” shall be substituted.

ACT No. XX OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 27th January, 1950.)

An Act to amend the Indian Lac Cess Act, 1930.

XXIV of 1930 WHEREAS it is expedient to amend the Indian Lac Cess Act, 1930 for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) The Act may be called the Lac Cess (Amendment) Act, 1950. Short title and commencement

(2) It shall come into force at once.

XXIV of 1930 2. In the long title of the Indian Lac Cess Act, 1930, (hereinafter referred to as the said Act) for the words "the creation of a fund" the words "financing a Committee" shall be substituted and the words "Indian or Burman" shall be omitted. Amendment of long title Act XXIV of 1930

3. In the preamble of the said Act for the words "the creation of a fund to be expended by a Committee specially constituted in this behalf" the words "financing a Committee" shall be substituted and the words "Indian or Burman" shall be omitted. Amendment of preamble, Act XXIV of 1930

4. In sub-section (1) of section 1 of the said Act, the word "Indian" shall be omitted. Amendment of section 1, Act XXIV of 1930

5. In section 2 of the said Act—

XIX of 1924 (a) in clause (a) after the words and figures "Sea Customs Act, 1878" the words "or a collector of Land Customs as defined in clause (c) of section 2 of the Land Customs Act, 1924, as the case may be" shall be added ; and Amendment of Section 2, Act XXIV of 1930

(b) in clause (b) for the words "Indian Lac Cess Committee constituted under section 4" the words "Pakistan Food and Agriculture Committee set up under the Agricultural Produce Cess Act, 1940 ;" shall be substituted.

6. In section 3 of the said Act—

(a) for the words "produced in India and exported from any customs-port to any port beyond the limit of the Provinces and the Capital of the Federation" the words "exported from Pakistan" shall be substituted ; Amendment of section 3, Act XXIV of 1930.

(b) for the word "lower" the word "other" shall be inserted ; and

(c) the words "on the recommendation of the Committee" shall be omitted.

7. Sections 4, 5 and 5A of the said Act shall be omitted. Omission of sections 4, 5, and 5A, Act XXIV of 1930.

Amendment
of section
6, Act
XXIV of
1930

8. In section 6 of the said Act—

(a) after sub-section (1), the following new sub-section shall be inserted, namely :—

“(1A) The proceeds of the cess recovered after the fifteenth day of August 1947 ; after deducting expenses, of collection if any, shall be paid to the Committee forthwith” ;

(b) for sub-section (2), the following shall be substituted, namely :—

“(2) The Committee shall adopt such measures as it may consider necessary or expedient for the improvement and development of methods of cultivating, manufacturing and marketing lac.” and

(c) sub-section (3) shall be omitted.

Omission of
section 7,
Act XXIV
of 1930

9. Section 7 of the said Act shall be omitted.

Amendment
of section 8,
Act XXIV
of 1930

10. In Section 8 of the said Act—

(a) in sub-section (1) the words “after consulting the Committee and” shall be omitted ; and

(b) sub-section (2) shall be omitted.

Omission of
section 9,
Act XXIV
of 1930

11. Section 9 of the said Act shall be omitted.

Amendment
of section
6, Act
XXIV of
1930

12. In section 10 of the said Act the words “or section 9” shall be omitted.

ACT No. XXI OF 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 27th January, 1950.)

An Act to amend the Mines Maternity Benefit Act, 1941.

XIX of 1941. WHEREAS it is expedient to amend the Mines Maternity Benefit Act, 1941 for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mines Maternity Benefit (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In section 3 of the Mines Maternity Benefit Act, 1941, Amendment of section 3, Act XIX of 1941. hereinafter referred to as the said Act, —

in sub-section (1), for the words "four weeks" the words "six weeks" shall be substituted.

3. In section 4 of the said Act,—

Amendment of section 4, Act XIX of 1941.

in sub-section (1), for the words "one month" wherever they occur the words "one and a half months" shall be substituted.

4. In section 5 of the said Act,—

Amendment of section 5, Act XIX of 1941.

in sub-section (1), for the words "four weeks" wherever they occur the words "six weeks" shall be substituted.

5. In section 8 of the said Act, —

Amendment of section 8, Act XIX of 1941.

(a) in sub-section (1), for the words "four weeks" the words "six weeks" shall be substituted,

(b) in clause (a) of sub-section (2), for the words "fourth week" the words "sixth week" shall be substituted, and

(c) in clause (b) of sub-section (2), for the words "fourth week" wherever they occur the words "sixth week" shall be substituted.

Price : Anna 1

ACT No. XXII OF 1950,

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 30th January, 1950.)

An Act to provide for the regulation of the cultivation of tea, for the control of the export of tea and generally for the promotion of the interests of the tea industry in Pakistan and for levying a cess on tea produced in Pakistan.

WHEREAS it is expedient to regulate and to control the cultivation and the export of tea and generally to promote the interests of the tea industry through research and the expansion and improvement of the marketing of tea in Pakistan and elsewhere and to levy a cess to provide a fund out of which the pursuit of these objects can be financed ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan Tea Act, 1950. Short title.
extent and
commence-
ment.

(2) It extends to all the Provinces and to the Capital of the Federation.

(3) It shall come into force at once : but section 5 shall have effect, and shall be deemed always to have had effect, on and from the first day of April, 1948.

(4) It shall remain in force till the 31st March, 1953.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "board" means the Pakistan Tea Board constituted under section 3 ;

(b) "collector" means, in reference to tea exported by sea, a Customs Collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878, and in reference to tea exported from Pakistan by land a Collector of Land Customs as defined in clause (c) of section 2 of the Land Customs Act, 1924 ; and in reference to tea on which the cess is leviable otherwise than as a duty of customs, an officer appointed in this behalf by the Central Government by a notification in the Official Gazettee to perform the duties of a Collector ;

(c) "committee" means the Pakistan Tea Licensing Committee constituted under section 7 ;

(d) "estate" means a tea estate to which a registered number has been allotted by the Committee ;

(e) "export" means to take out of Pakistan by land, sea or air to any place outside Pakistan ;

III of 1878.

XIX of 1924

- (f) "export allotment" means the quantity of tea which the Central Government may, by notification in the Official Gazette, specify as the total amount of tea which may be exported in any one year ;
- (g) "owner" includes any agent of an owner ;
- (h) "prescribed" means prescribed by rules made under this Act ;
- (i) "recorded area" means the area recorded by the Committee as being under tea on the thirtyfirst March, 1948, and shall include vacant areas lying within that area on that date ;
- (j) "replacement" means the uprooting of tea in one area and the planting of an equivalent area of tea on land not previously planted with tea ;
- (k) "ten" means,
 - (i) in Chapter III the plant of *Thea Sinnensis* (Linn.), and
 - (ii) elsewhere in this Act the commodity known as tea made from the leaves of the plant *Thea Sinnensis* (Linn.) including green tea but excluding tea waste ; and
- (l) "tea seed" includes seeds, roots, stumps, cuttings, buds and any living portion of the plant *Thea Sinnensis* (Linn.) which may be used to propagate that plant.

CHAPTER I.

THE PAKISTAN TEA BOARD.

Constitution
of the Pakis-
tan Tea
Board.

3. (1) The Central Government shall constitute a body to be called the Pakistan Tea Board consisting of the following members :—

- (a) three members elected by the Pakistan Tea Association of whom one shall represent the estates in the Chittagong District and Chittagong Hill Tracts ;
- (b) one member nominated by the Central Government from amongst producers who are not members of the Pakistan Tea Association ;

Provided that if all producers are members of the Pakistan Tea Association, or if the number of producers who are not members of that Association is, in the opinion of the Central Government, too small to justify separate representation, the Central Government may nominate instead a fourth member from the Pakistan Tea Association ;

- (c) one member to be nominated by the Central Government on the recommendations of Chambers of Commerce in East Bengal recognised by the Central Government ;
- (d) one member to be nominated by the Central Government on the recommendation of Tea Brokers and shippers ;

- (e) one officer serving under the Government of East Bengal to be nominated by that Government ;
- (f) two persons with special knowledge of agriculture to be nominated by the Central Government ;
- (g) one person to be nominated by the Central Government as Chairman of the Board ; and
- (h) one member to be elected from among themselves by members of the Federal Legislature.

(2) The Central Government shall publish in the Official Gazette the names of all members of the Board, and thereupon the Board shall be deemed to be constituted.

(3) Members of the Board shall subject to the provisions of sub-section (4) hold office for three years, or until resignation whichever is earlier, and shall be eligible for renomination.

(4) Where a member of the Board dies, resigns or ceases to reside in Pakistan or becomes incapable of acting, the vacancy shall be filled by a fresh nomination or election and any person so nominated or elected shall hold office for the unexpired term of his predecessor.

(5) If any authority or body entitled to elect or nominate a member under this section makes default in electing or nominating a member within the prescribed time, the Central Government may make nomination to fill the vacancy.

(6) No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

4. The objects of the Board shall be to promote the sale and consumption of Pakistan tea in Pakistan ; to promote the sale and consumption of tea throughout the world ; to organise and assist in research connected with the tea industry ; and, generally, to take such measures as may appear advisable in the interests of the tea industry of Pakistan. Objects of the Board.

5. (1) There shall be levied and collected, for the purposes of this Act, a cess on all tea produced in Pakistan and exported from Pakistan, as a duty of customs at the rate of rupee one and annas six per hundred pounds. Imposition of Tea Cess.

(2) The Central Government may, by notification in the Official Gazette, direct that the cess shall be levied and collected from an appointed date on all tea produced and issued from factories in Pakistan :

Provided that the Central Government may, after consultation with the Board, by notification in the Official Gazette, fix the rate of the cess to be levied from time to time at an amount not exceeding rupees two and annas eight per hundred pounds of tea.

6. (1) The proceeds of the cess after deducting the cost of collection, if any, and any other moneys to which the Board may be or may become entitled, shall Application of proceeds of Cess.

be paid to the Board and shall be applied by the Board—

- (a) for marking grants to the Committee for the purposes of section 8, and
- (b) for meeting the expenses of measures taken in fulfilment of the objects described in section 4.

(2) The Board may, subject to the provisions of any rules made under section 32, borrow on the security of the cess for any purpose for which it is authorised under sub-section (1) to expend its funds :

Provided that the total amount borrowed and not repaid shall not at any time exceed five lakhs of rupees and that no loan shall be taken which is repayable later than six months from the date of the loan.

(3) The proceeds of the cess or any moneys so received by the Board as aforesaid shall, when no longer required for the purposes of this Act, vest in the Central Government.

CHAPTER II.

THE PAKISTAN TEA LICENSING COMMITTEE.

Constitution
of the
Pakistan
Tea Licen-
sing Com-
mittee.

7. (1) The Central Government shall constitute a Committee to be called the Pakistan Tea Licensing Committee, consisting of the following members :—

- (a) a Government official, nominated by the Central Government, who shall be the Chairman of the Committee ;
- (b) a Government official, nominated by the Government of East Bengal ;
- (c) three members nominated by the Pakistan Tea Association of whom one shall represent the estates in the Chittagong District and the Chittagong Hill Tracts ; and
- (d) one member to be nominated by estates which are not members of the Pakistan Tea Association :

Provided that if all producers are members of the Pakistan Tea Association, or if the number of estates which are not members of the Association is, in the opinion of the Central Government, too small to justify separate representation, the Central Government may nominate instead a fourth member from the Pakistan Tea Association.

(2) The Central Government shall publish in the Official Gazette the names of all members of the Committee, and thereupon the Committee shall be deemed to be constituted.

(3) The members of the Committee shall, subject to the provisions of sub-section (4) hold office for three years unless they earlier resign.

(4) Where a member of the Committee dies, resigns or ceases to reside in Pakistan or becomes incapable of acting, the vacancy shall be filled by fresh nomination or election and the members so nominated or elected shall hold office for the unexpired term of his predecessor.

(5) If any authority or body entitled to elect or nominate a member under this section makes default in electing or nominating a member within the prescribed time, the Central Government may make nomination to fill the vacancy.

(6) No act done by the Committee shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Committee.

8. The expenses of the Committee incurred for purposes of this Act and any contributions authorised from time to time by the Central Government towards the maintenance of any international organisation furthering any purpose of this Act, shall be met from the grants made by the Board under section 6. Grant of Funds.

9. The Central Government may, by notification in the Official Gazette, dissolve a Committee and on such dissolution the unexpended balance of grants received by the Committee under Section 8 of the Act shall vest in the Board. Dissolution of the Committee.

CHAPTER III.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

10. No person shall plant tea save in accordance with the provisions of this Act. Permission to plant tea.

11. No land which is not a recorded area or part thereof shall be planted with tea without the permission of the Committee given in writing in accordance with the rules made under this Act :

Provided that any permission granted before the constitution of the Committee with the previous approval of the Central Government shall be deemed to be the written permission of the Committee.

12. (1) The permission of the Committee, granted in accordance with the rules made under this Act, shall be required for the replacement of any tea : Replacements.

Provided that any permission granted before the constitution of the Committee with the previous approval of the Central Government shall be deemed to be the written permission of the Committee.

(2) This section shall not apply to the infilling of any portion of the recorded area on which tea has not been planted or from which it has been uprooted.

13. When any land which was on the 31st day of March, 1948 planted with tea, subsequently becomes incapable of producing tea, through subsidence, flood or other visitation, or when such land has been acquired or resumed so that it can no longer produce tea, the owner of such land may apply to the Committee with a statement of the facts and the Committee may grant such applicant permission to plant tea on an equivalent area of land. Permission to plant in special circumstances.

14. This Chapter shall not apply to tea nurseries but the Committee shall call for information regarding such nurseries and may, if satisfied that the nurseries were Nurseries

planted or maintained with the object of evading the provisions of this Act, direct the owner thereof to uproot the whole or any part thereof.

Power to call for returns and to inspect.

15. (1). The Committee may at any time in the manner prescribed call for returns relating to the cultivation of tea on an estate from the owner or manager of an estate or from any other person believed to be cultivating tea thereon.

(2) Any member or officer of the Committee or person authorised by the Committees in this behalf may inspect the land and offices of any estate or area upon which tea is believed to be cultivated and may require the owner or manager of such estate or area to produce for inspection any record in his control or custody relating to that estate or area or to the cultivation of tea thereon.

Penalty for submission of false returns or giving of false information.

16. Any owner of an estate who submits a false return or who gives false information to the Committee or to any person duly authorised by the Committee to obtain such information shall be punishable with a fine which may extend to one thousand rupees.

Penalty for obstruction and failure to produce records.

17. Whoever obstructs any member or officer of the Committee or any person authorised by the Committee in the discharge of his duties or who when called upon by the Committee to produce records over which he has control fails to do so, shall be punishable with a fine which may extend to one thousand rupees.

Penalty for illicit planting.

18. (1) Whoever plants tea or causes tea to be planted in any land, in contravention of the provisions of this Chapter shall be punishable with a fine which may extend to five thousand rupees and shall be required by the Committee to uproot the tea so planted.

(2) If after being so required he fails to obey the requirement of the Committee, the Committee may order it to be uprooted and the cost of uprooting shall be recoverable from him as an arrear of land revenue.

Penalty for failure to carry out orders in respect of nurseries.

19. (1) Whoever fails to carry out any order of the Committee directing the restriction of a nursery or the uprooting of the whole or any part of a nursery shall be punishable with a fine which may extend to five thousand rupees, and shall be required by the Committee to carry out such order.

(2) If after being so required he fails to obey the requirement of the Committee, the Committee may order the restriction to be made or the uprooting to be carried out and the cost of the same shall be recoverable from him as an arrear of land revenue.

Trial of offences.

20. No Magistrate other than a Magistrate of the First Class shall take cognizance of any offence under this Chapter and then only upon the complaint of the Committee or of a person authorised by the Committee and the Committee shall be responsible for the conduct of all prosecutions of offences under this Chapter.

CHAPTER IV.

CONTROL OVER THE EXPORT OF TEA.

21. Nothing in this Chapter shall apply to tea— Limitation of application of this Chapter.
 (a) proved to the satisfaction of the Collector to have been imported into Pakistan from any place outside Pakistan,

(b) shipped as stores on board any vessel, in such quantity as the Collector considers reasonable having regard to the number of the crew and passengers, and the length of the voyage on which the vessel is about to depart, or

(c) exported by post in packages not exceeding one pound avoirdupois in weight.

22. The export allotment for each year shall be notified by the Central Government after consultation with the Committee, and shall be expressed as a number of pounds avoirdupois : Export Allotment.

Provided that the Central Government may at any time during the year by subsequent notification alter the export allotment for that year.

23. Subject to the provisions of section 24 the export allotment notified under section 22 shall be distributed among all estates proportionately to the highest crop of tea produced by each estate in any one of the three years immediately preceding that for which the distribution is made, and the proportion of the export allotment thus distributed to an estate shall be known as the export quota of that estate : Distribution of export allotment.

Provided that no estate shall be eligible to receive an export quota unless tea has been produced on it during the year preceding the year in which the allotment is made.

24. (1) Every estate shall by a date to be fixed by the Committee, submit a statement to the Committee showing how much, if any, of the export quota it does not wish to export and shall surrender the same to the Committee, and the balance shall be its exportable quota. Transfer of export quotas.

(2) Any estate failing to make surrender in accordance with the statement, or failing to submit a statement, or failing to export its exportable quota, shall be liable to forfeit by order of the Committee, the whole or part of any subsequent export quotas to which it might otherwise become entitled.

(3) The Committee shall redistribute all quotas surrendered to it in accordance with the rules made under this Act.

25. The owner of a tea estate to which an export quota has been allotted or the transferee thereof shall have the right to obtain an export licence upto the amount of the quota allotted or transferred. Right to export Licence.

26. (1) No tea shall be exported except under a licence issued by or on behalf of the Committee in the prescribed form and in accordance with the conditions thereon. Control of Export of tea and tea seed.

(2) No tea seed shall be exported except under a permit issued by or on behalf of the Government of Pakistan.

Penalty for illicit Export. 27. A breach of the provisions of section 26 shall be punishable as if it were an offence under item No. 8 of section 167 of the Sea Customs Act, 1878, and the provisions of section 168 and Chapter XVII of that Act shall apply accordingly. III of 1878

CHAPTER V.

GENERAL.

Keeping of accounts, audit and annual reports. 28. (1) The Board and the Committee shall publish annual reports and shall keep regular accounts of all moneys received and expended, and a summary of such accounts shall be published with the report.

(2) The accounts shall be audited annually by auditors approved in this behalf by the Accountant General, East Bengal and such auditors shall have power to disallow any item which has, in their opinion, been expended otherwise than in pursuance of the purposes of this Act.

Bar to proceedings. 29. No suit, prosecution or legal proceedings shall lie against the Board or the Committee or any member thereof or any person acting on their behalf in respect of anything done in good faith under this Act or any Rules made under this Act.

Control by Central Government. 30. All acts of the Board and of the Committee under this Act shall be subject to the control of the Central Government which may cancel, suspend or modify, as it thinks fit, any such act and the records of the Board and of the Committee shall be open to inspection by any officer authorised in this behalf by the Central Government.

Appeals. 31. (1) Any person aggrieved by any order passed by the Committee under Chapter III or Chapter IV may appeal to the Central Government within sixty days from the date of such order.

(2) Every order passed in the appeal under this section shall be final.

Power to make rules. 32. The Central Government may, by notification in the Official Gazette, and after consulting the Board or the Committee, as the case may be, in reference to the matters dealt with by each under this Act, make rules to carry out the purposes of this Act.

Power to make bye-laws. 33. (1) The Board and the Committee may make bye-laws not inconsistent with this Act and the rules made thereunder.

(2) All bye-laws made under this section shall be subject to the previous approval of the Central Government.

CHAPTER VI.

REPEALS.

Repeal of Act IX, 1903. 34. The Indian Tea Cess Act, 1903, is hereby repealed. IX of 1903.

ACT No. XXIII OF 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 30th January, 1950.)

An Act to amend the Karachi Port Trust Act, 1886.

WHEREAS it is expedient to amend the Karachi Port Trust Act, 1886, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Karachi Port Trust (Amendment) Act, 1950. Short title and commencement.
 (2) It shall come into force at once.

2. In section 15A of the Karachi Port Trust Act, 1886, hereinafter referred to as the said Act, for sub-section (2) the following sub-section shall be substituted :— Amendment of section 15A, Bombay Act VI of 1886.

“ In the event of the Karachi Chamber of Commerce or the Pakistan Merchants' Association, or the Karachi Buyers' and Shippers' Chamber, or the Chamber of Commerce, Pakistan, or the Municipality of Karachi, or the Karachi Port Haj Committee electing a trustee or trustees under section 7 of this Act, being dissolved or ceasing to exist, the office of any trustee or trustees elected by the said Chamber of Commerce, or by the Pakistan Merchants' Association, or by the Karachi Buyers' and Shippers' Chamber, or by the Chamber of Commerce, Pakistan, or by the Municipality of Karachi, or by the Karachi Port Haj Committee which has been dissolved or has ceased to exist shall thereupon become vacant.”

3. In section 50 of the said Act, for the words “ four months ” the words “ two months ” shall be substituted. Amendment of section 50, Bombay Act VI of 1886.

4. After section 50 in the said Act, the following new section shall be inserted, namely :— Insertion of new section 50A, Bombay Act VI of 1886.

Removal of unclaimed goods.

“ 50A. (1) When delivery of goods is not claimed by the owner at the expiration of one month from the date on which they are placed in the custody of the Board, the Board shall cause a notice to be served upon the owner requiring him to remove the goods :

Provided that where all rates and charges in respect of such goods have been duly paid such notice shall not be served till the expiration of two months from the said date.

Price : Anna 1

- (2) Such notice shall be published and served in the manner prescribed in paragraphs 2, 3 and 4 of section 50, but where the owner is not known, or the notice cannot be served upon him or he does not comply with the notice, the Board may sell the goods by public auction after the expiration of ten weeks from the date on which such goods were placed in the custody of the Board.
- (3) The Central Government may, by notification in the Official Gazette, exempt any goods or class of goods from the operation of this section."

ACT No. XXIV 1950.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 30th January, 1950.)

An Act to provide for the retention in service of certain persons enrolled for service in the Royal Pakistan Navy.

WHEREAS it is expedient to provide for the retention in service of certain persons enrolled for service in the Royal Pakistan Navy ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Royal Pakistan Navy (Extension of Service) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. Until such date as may be notified in this behalf by the Central Government, any person enrolled for service in the Royal Pakistan Navy who, by reason of the expiry of the term for which he was engaged to serve when so enrolled, is no longer liable for service shall, notwithstanding such expiry, continue to be enrolled for service and to be liable for service in the Royal Pakistan Navy until he is discharged by the order of the Officer Commanding the Royal Pakistan Navy : Extension of service where term of service has expired.

Provided that the period for which the service of any such person is extended under this section shall not exceed five years from the day on which his service would otherwise have terminated.

3. The Royal Pakistan Navy (Extension of Service) Act, 1940. Repeal of Act III of 1940.

Price : Anna 1

Act No. XXV OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 30th March, 1950.)

An Act to amend the Capital Issues (Continuance of Control) Act, 1947.

Act No.
XXIX
of 1947.

WHEREAS it is expedient to amend the Capital Issues (Continuance of Control) Act, 1947, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Capital Issues Continuance of Control (Amendment) Act, 1950.

2. In sub-section (3) of Section 1 of the Capital Issues (Continuance of Control) Act, 1947 for the figure '1950' the figure '1952' shall be substituted.

Amendment
of section 1,
Act No.
XXIX of
1947.

Price Anna 1

Act No. XXVI OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 31st March, 1950.)

An Acts to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1950, and to fix the scale of rates of estate duty.

WHEREAS it is expedient to fix the duty on certain salt, to fix maximum rates of postage under the Post Office Act, 1898, to continue, subject to certain modifications, for a further period of one year the additional duties of customs imposed by section 6 of the Indian Finance Act, 1942, and to alter the duty of customs and the duty of excise on certain articles, to continue the charge and levy of business profits tax, to make certain provisions relating to income-tax, super-tax, excess profits tax and business profits tax, to fix rates of income-tax and super-tax, to fix rates of sales tax and to fix the scale of rates of estate duty ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Finance Act, 1950. Short title, extent and commencement.

(2) It extends to all the Provinces of Pakistan and the Capital of the Federation.

(3) It shall come into force at once, but section 13 and the Fifth Schedule to this Act shall take effect on the day on which the Estate Duty Act, 1950, comes into force. Continuance of duty on salt.

2. The duty on salt manufactured in, or imported by land into, the Provinces of Pakistan and the Capital of the Federation shall, for the year beginning on the 1st day of April, 1950, be at the rate of Rs. 2-8-0 per standard maund. Inland postage rates.

3. For the year beginning on the 1st day of April, 1950, the schedule contained in the First Schedule to this Act shall be inserted in the Post Office Act, 1898, as the First Schedule to that Act. Inland postage rates.

4. The additional duties of customs on certain goods chargeable with a duty of customs under the First Schedule to the Tariff Act, 1934, or under the said schedule read with any notification of the Central Government for the time being in force, imposed up to the thirty-first day of March, 1943, by section 6 of the Indian Finance Act, 1942, and continued subject to certain modifications up to the thirty-first day of March, 1950, by section 4 of the Pakistan Finance Act, 1949, shall, save in respect of any items specified in the Second Schedule to this

Act, continue to be levied and collected, as an addition to and in the same manner as the duty chargeable as aforesaid, as provided for in the said section 6, up to the thirty-first day of March, 1951, except that the additional duties of customs to be levied and collected on goods comprised in any items of the First Schedule to the Tariff Act, 1934, enumerated in clauses (a), (b), (c), (d) and (e) of this section shall be the sums specified in respect of those items in the said clauses, namely :—

(a) a sum equal to the duty chargeable as aforesaid in respect of goods comprised in items 22(4) and 28(14) (b) ;

(b) a sum equal to four-fifths of the duty chargeable as aforesaid in respect of goods comprised in items 19, 20, 21(1) and 30(1) ;

(c) a sum equal to three-fifths of the duty chargeable as aforesaid in respect of goods comprised in items 9(2), 22(2), 32(3), 44, 45, 47(2), 51(2) and 71 ;

(d) a sum equal to one half of the duty chargeable as aforesaid in respect of goods comprised in items 9(5), 17(2), 24(2), 28(8), 39(1), 48(2), 48(4) (b) and 87 ;

(e) a sum equal to two-fifths of the duty chargeable as aforesaid in respect of goods comprised in items 52, 60 and 78.

Alteration
of duties of
customs.

5. The amendments set out in the Second Schedule to this Act shall be made in the First Schedule to the Tariff Act, 1934.

XXXII
of 1934.

Alteration of
rate of duty
on motor
spirit.

6. The following amendment shall be made in the First Schedule to the Central Excises and Salt Act, 1944, namely—

I of 1944.

In item 4, for the entry in the third column, the following entry shall be substituted, namely—

“One rupee and four annas per Imperial gallon.”

Amendment
of sections
2, 4, 12B &
34, Act XI
of 1922.

7. The following amendments shall be made in the Income-tax Act, 1922, namely :—

XI of 1922.

(a) in the last proviso to clause (6A) of section 2, the words, comma and figures “or after the 31st day of March, 1949” shall be added at the end ;

(b) in *Explanation* 3 to sub-section (1) of section 4, after the words “British India” where they first occur, the words, commas and figures “by a company formed and registered under the Companies Act, 1913, and having its registered office in British India” shall be inserted ;

VII of 1913.

(c) in sub-section (1) of section 12B, after the figures "1946", the words and figures "and before the 1st day of April, 1949" shall be inserted; and

(d) in sub-section (3) of section 34, for the figures "1950" the figures "1951" shall be substituted.

8. (1) Subject to the provisions of this section, the following amendments shall be made in the **Amendment of sections 2 and 5, Act XXI of 1947** Business Profits Tax Act, 1947, namely:—

(a) in sub-clause (a) of clause (4) of section 2, for the words and figures "31st day of March 1949", the words and figures "31st day of March 1950" shall be substituted; and

(b) in section 5, the third proviso shall be omitted.

(2) The amendment directed to be made by clause (b) of sub-section (1) shall not have effect in respect of any chargeable accounting period which is a "previous year" for the purposes of an assessment under the Income-tax Act, 1922, for any year before the year beginning on the 1st day of April, 1950.

XI of 1922.

9. To sub-section (1) of section 10 of the Indian Finance Act, 1942, after the fourth proviso, the following further proviso shall be added, namely:— **Amendment of section 10, Act XII of 1942.**

"Provided further that if it is subsequently found that the sum repaid in accordance with the provisions of this sub-section was in excess of the sum so repayable, the sum repaid in excess may be recovered in the manner provided for the recovery of excess profits tax under the Excess Profits Tax Act, 1940, and notwithstanding anything contained in sub-section (7) of section 46 of the Income-tax Act, 1922, as made applicable by section 21 of the Excess Profits Tax Act, 1940, such recovery may be made at any time."

XV of 1940.

XI of 1922.

10. To sub-section (12) of section 11 of the Indian Finance Act, 1946, the following proviso shall be added, namely:— **Amendment of section 11, Act VII of 1946.**

"Provided that where, subsequent to any repayment made under the provisions of section 10 of the Indian Finance Act, 1942, or section 2 of the Excess Profits Tax Ordinance, 1943, a reduction in the excess profits tax is effected, whether by relief given in respect of a deficiency of profits, or by relief given in respect of a double excess profits tax, or by an order passed in any appeal, or otherwise, the sum to be refunded to the assessee on account of such reduction shall be decreased by such proportion thereof as the amount already repaid bore to the excess profits tax before the reduction as aforesaid."

XII of 1942.

XVI of 1943

Income-tax
and
super-tax.

11. (1) Subject to the provisions of sub-sections (3), (4) and (5), for the year beginning on the 1st day of April, 1950,—

(a) income-tax shall be charged at the rates specified in Part I of the Third Schedule ; and

(b) the rates of super-tax shall, for the purposes of section 55 of the Income-tax Act, 1922, be those XI of 1922. specified in Part II of the Third Schedule.

(2) In making any assessment for the year ending on the 31st day of March, 1951, there shall be deducted from the total income of an assessee, in accordance with the provisions of section 15A of the Income-tax Act, 1922, an amount equal to one-fifth of the earned income, if any, included in his total income, but not exceeding in any case four thousand rupees. XI of 1922.

(3) In making any assessment for the year ending on the 31st day of March, 1951, where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Income-tax Act, 1922, XI of 1922. the super-tax payable by the assessee on that portion of his total income which consists of such inclusion shall be an amount bearing to the total amount of super-tax payable, according to the rates applicable under the operation of the Finance Act, 1949, on his IX of 1949. total income the same proportion as the amount of such inclusion bears to his total income.

(4) In making any assessment for the year ending on the 31st day of March, 1951,—

(a) where the total income of a company includes any profits and gains from life insurance business, the super-tax payable by the company shall be reduced by an amount computed at the rate of two annas in the rupee on that part of its total income which consists of such inclusion ;

(b) where the total income of an assessee, not being a company, includes any profits and gains from life insurance business, the income-tax and super-tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of such taxes payable according to the rates applicable under the operation of the Indian Finance Act, 1942, XII of 1942. on his total income the same proportion as the amount of such inclusion bears to his total income, so however that the aggregate of the taxes so computed in respect of such inclusion shall not in any case exceed the amount of tax payable on such inclusion at the rate of five annas in the rupee.

XI of 1922. (5) In cases to which section 17 of the Income-tax Act, 1922, applies, the tax chargeable shall be determined as provided in that section, but with reference to the rates imposed by sub-section (1), and in accordance, where applicable, with the provisions of sub-sections (3) and (4) of this section.

XI of 1922. (6) For the purposes of making any deduction of income-tax in the year beginning on the 1st day of April, 1950, under sub-section (2) or sub-section (2B) of section 18 of the Income-tax Act, 1922, from any earned income chargeable under the head "Salaries", the estimated total income of the assessee under this head shall, in computing the income-tax to be deducted, be reduced by an amount equal to one-fifth of such earned income, but not exceeding in any case four thousand rupees.

XI of 1922. (7) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Income-tax Act, 1922, and the expression "earned income" has the meaning assigned to it in clause (6AA) of section 2 of that Act.

12. For the year beginning on the 1st day of April, 1950, sales tax shall be charged under the General Sales Tax Act, 1948, at the rates specified in the Fourth Schedule to this Act. Rates of sales tax payable under Act V of 1948.

X of 1950. 13. The rates of estate duty to be levied and paid under the Estate Duty Act, 1950, shall be according to the scale set out in the Fifth Schedule to this Act. Rates of estate duty.

THE FIRST SCHEDULE.

[Schedule to be inserted in the Post Office Act, 1898]

(See section 3)

THE FIRST SCHEDULE.

Inland Postage Rates.

(See section 7)

LETTERS.

For a weight not exceeding one tola . . . One and a half annas.

For every tola or fraction thereof exceeding one tola . . . One anna.

POST CARDS.

Single	..	..	..	..	Nine pies.
Reply	..	..	..	..	One and a half annas.

PATTERN AND SAMPLE PACKETS.

For the first five tolas or fraction thereof	One anna.
For every additional two and a half tolas or fraction thereof in excess of 5 tolas	Six pies.

BOOK PACKETS

For the first five tolas or fraction thereof	One anna.
For every additional two and a half tolas or fraction thereof in excess of 5 tolas	Three pies.

REGISTERED NEWSPAPERS.

(a) Single copies—

For a weight not exceeding ten tolas	Quarter of an anna.
For a weight exceeding ten tolas but not exceeding twenty tolas ..	Half an anna.
For every additional twenty tolas or fraction thereof	Half an anna.

(b) Packets of registered newspapers—

For a weight not exceeding 10 tolas	Half an anna.
For every additional 5 tolas or fraction thereof in excess of 10 tolas	Quarter of an anna.

PARCELS.

For a weight not exceeding forty tolas ..	Eight annas.
For every forty tolas or fraction thereof, exceeding forty tolas	Eight annas.

THE SECOND SCHEDULE

(See section 5)

Amendments to be made to the Tariff Act, 1934, First Schedule

Against the item numbers of the First Schedule to the Tariff Act, 1934, specified in the first column of the sub-joined table, the entries in the second, fourth, fifth and sixth columns

of the table shall be substituted for the entries in the corresponding columns of the First Schedule to the Tariff Act, 1934.

Item No.	Name of articles.	Nature of duty.	Standard rate of duty.	Preferential rate of duty	
				The United Kingdom.	A British Colony.
(1)	(2)	(3)	(4)	(5)	(6)
12(2)			42 per cent. <i>ad valorem.</i>		32 per cent. <i>ad valorem.</i>
15(7)	The following vegetable, non-essential oils, namely :				
	(a) Coconut.		48 per cent.		38 per cent
	(b) Groundnut.		42 per cent.		32 per cent
	(c) Linseed.		15 per cent.		5 per cent
27(4)			Four annas per Imperial gallon.		
27(5)			Four annas per Imperial gallon.		
27(8)			Three annas per Imperial gallon.		
49(4)			45 per cent.	35 per cent.	
72(11)			40 per cent.	30 per cent.	
73			45 per cent.	35 per cent.	
75(1)	(1) Motor cars including taxi-cabs and articles (other than rubber tyres and tubes) adapted for use as parts and accessories thereof provided that such articles as are ordinarily also used for other purposes than as parts and accessories of motor vehicles included in this item or in items No. 75(2) and 75(3) shall be dutiable at the rate of duty specified for such articles except motor cars including taxi-cabs whose landed cost is more than Rs. 7,500.		54 per cent.	48 per cent.	
	(2) Motor cars including taxi-cabs whose landed cost is more than Rs. 7,500.		60 per cent.	54 per cent.	
75(2)			57½ per cent	50 per cent.	
75(3)			37½ per cent.	30 per cent.	
75(5)			45 per cent.	35 per cent.	
75(6)			45 per cent.	35 per cent.	
75(7)			45 per cent.	35 per cent.	
75(8)			45 per cent.	35 per cent.	
77			42 per cent.	32 per cent.	

THE THIRD SCHEDULE

(See section 11)

PART I

Rates of Income-tax

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons not being a case to which paragraph B of this Part applies—

	Rate
1. On the first Rs. 1,500 of total income	Nil.
2. On the next Rs. 3,500 of total income	One anna in the rupee.
3. On the next Rs. 5,000 of total income	Two annas in the rupee.
4. On the next Rs. 5,000 of total income	Three and a half annas in the rupee.
5. On the balance of total income	Five annas in the rupee.

Provided that—

(i) no income-tax shall be payable on a total income which, before deduction of the allowance, if any, for earned income, does not exceed Rs. 3,000 ;

(ii) the income-tax payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds Rs. 3,000 ;

(iii) the income-tax payable on the total income as reduced by the allowance for earned income shall not exceed either—

(a) a sum bearing to half the amount by which the total income (before deduction of the allowance for earned income) exceeds Rs. 3,000 the same proportion as such reduced total income bears to the unreduced total income ; or

(b) the income-tax payable on the income so reduced at the rates herein specified ;

whichever is less.

B.—In the case of every company and local authority, and in every case in which under the provisions of the Income-tax Act, 1922, income-tax is to be charged at the maximum rate—

	Rate
On the whole of total income ..	Five annas in the rupee.

PART II

Rates of Super-tax

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not

being a case to which any other paragraph of this Part applies—

	Rate
1. On the first Rs. 25,000 of total income.	<i>Nil.</i>
2. On the next Rs. 5,000 of total income.	Two and a quarter annas in the rupee.
3. On the next Rs. 5,000 of total income.	Three annas in the rupee.
4. On the next Rs. 10,000 of total income.	Three and a half annas in the rupee.
5. On the next Rs. 10,000 of total income.	Four annas in the rupee.
6. On the next Rs. 15,000 of total income.	Five and a half annas in the rupee.
7. On the next Rs. 15,000 of total income.	Six and a half annas in the rupee.
8. On the next Rs. 15,000 of total income.	Seven annas in the rupee.
9. On the next Rs. 50,000 of total income.	Seven and a half annas in the rupee.
10. On the next Rs. 1,00,000 of total income.	Eight annas in the rupee.
11. On the balance of total income	Nine annas in the rupee.

B.—In the case of every local authority—

	Rate
On the whole of total income ..	Two annas in the rupee.

II of 1922

C.—In the case of an association of persons being a co-operative society for the time being registered under the Co-operative Societies Act, 1912, or under an Act of a Provincial Legislature governing the registration of co-operative societies,—

	Rate
(1) On the first Rs. 25,000 of total income.	<i>Nil.</i>
(2) On the balance of total income.	Two annas in the rupee.

D.—In the case of every company—

	Rate
On the whole of total income	Four annas in the rupee.

Provided that—

(i) a rebate at the rate of two annas per rupee of the total income shall be allowed in the case of any company which in respect of its profits liable to tax under the Income-tax Act, 1922, for the year ending on the 31st day of March, 1951, has made such effective arrangements as may be specified by the Central Government in this behalf for the declaration and payment in the Provinces and the Capital of the Federation of the dividends payable out of such profits and for the deduction of super-tax from such dividends ;

of 1922.

(ii) a rebate at the rate of one anna per rupee of the total income shall be allowed in the case of any company which, not being entitled to a rebate under the preceding clause, is—

(a) a public company the shares of which were offered for sale in a recognised stock exchange at any time during the previous year, or

(b) a company all of whose shares were held at the end of the previous year by one or more such public companies as aforesaid,

Explanation.—For the purposes of clause (ii) of this proviso, a company shall be deemed to be a public company only if it is neither a private company within the meaning of the Companies Act, 1913, nor a company in which shares VII of 1913. carrying more than fifty per cent. of the total voting power were, at any time during the previous year, held or controlled by less than six persons.

In the case of a company formed and registered under the Companies Act, 1913, and having its registered office in VII of 1913. any province or the Capital of the Federation, an additional super-tax shall be payable at the rate specified hereunder, in respect of that part of the total income (as reduced by the amount of dividends payable at a fixed rate) which does not exceed the amount of dividends, not being dividends payable at a fixed rate, declared in respect of the whole or part of the previous year for the assessment for the year ending on the 31st day of March, 1951, on the amount by which such part—

Rate

- | | |
|---|---------------------------|
| (a) exceeds 30 per cent., but does not exceed 40 per cent. of the total income as so reduced. | Three annas in the rupee. |
| (b) exceeds 40 per cent., but does not exceed 50 per cent. of the total income as so reduced. | Five annas in the rupee. |
| (c) exceeds 50 per cent. of the total income as so reduced. | Seven annas in the rupee. |

Provided that—

(i) no such additional super-tax shall be payable where such part is less than, or equal to, five per cent. on the capital of the company;

(ii) where such part is more than five per cent. on the capital of the company, the additional super-tax payable shall be reduced by the amount of additional super-tax which would, but for the provisions of clause (i) of this proviso, have been payable had such part been equal to five per cent. on the capital of the company;

(iii) the additional super-tax shall be payable only by a company in which the public are substantially interested within the meaning of the Explanation to sub-section (1) of section 23A of the Income-tax Act, 1922, or a subsidiary com- XI of 1922. pany of such a company where the whole of the share capital of such subsidiary company is held by the parent company or by the nominees thereof.

Explanation.—For the purposes of this paragraph—

(a) the expression “capital of the company” shall be deemed to mean the paid-up share capital at the beginning of the previous year for the assessment for the year ending on the 31st day of March, 1951 (other than capital entitled to a dividend at a fixed rate), *plus* any reserves other than depreciation reserves and reserves for bad or doubtful debts at the same date as diminished by the amount on deposit on the same date with the Central Government under section 10 of the Indian Finance Act, 1942, or section 2 of the Excess Profits Tax Ordinance, 1943 ;

(b) the expression “dividend” shall be deemed to include any distribution included in that expression as defined in clause (6A) of section 2 of the Income-tax Act, 1922, and any such distribution made during the year ending on the 31st day of March, 1951, shall be deemed to have been made in respect of the whole or part of the previous year ;

(c) where any portion of the profits and gains of a company is not included in its total income by reason of such portion being exempt from tax under any provision of the Income-tax Act, 1922, the capital of the company, the total amount of dividends and the amount of dividends payable at a fixed rate shall each be deemed to be the proportion thereof that the total income of the company bears to its total profits and gains.

FOURTH SCHEDULE.

(See section 12)

Rates of Sales Tax.

PART A.

Rate of tax for every rupee of the turnover in respect of which tax is payable under the provisions of the Act.	Six pies.
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PART B.

Additional rate applicable to the class One anna.
or description of goods specified hereunder,
for every rupee comprised in the turnover
relating to such goods.

1. Fur skins, dressed, and articles made of fur skins ;
2. Toilet articles, preparations or cosmetics which are intended for use or application for toilet purposes or for use in connection with the care of the teeth, eyes, nails, hair or any other part of the human body, including toilet sets, toilet soaps, shaving soaps, shaving creams, perfumes, scents and similar preparations ;
3. Any pen, pencil or pen and pencil set, sold for twenty rupees or more ;

4. (a) Cinematographic, photographic and other cameras, projectors and enlargers; lenses and other parts of and accessories to such cameras, projectors and enlargers; and films, plates, paper and cloth required for use therewith;

(b) Binoculars and opera glasses;

5. All electric goods instruments, apparatus and appliances including fans, electrical earthenware and porcelain and all other accessories except electric lighting bulbs;

6. Refrigerators and air conditioning plants;

7. Articles of cut glassware, crystal glassware, cut or not, etched glassware, metal decorated glassware or marble;

8. Articles made of china or porcelain;

9. Articles commonly or commercially known as jewellery, whether real or imitation, including diamonds and other precious or semi-precious stones for personal use or for adornment of the person; goldsmith's and silversmith's products including all gold, silver, chromium or other plated ware;

10. Articles of all kinds made in whole or in part of ivory, jet, amber, coral, mother of pearl, natural shells, tortoise shell, jade, onyx, lapis lazuli, or other semi-precious stones.

FIFTH SCHEDULE.

(See section 13)

Scale of rates of Estate Duty.

Principal value of estate.			Rate per cent of duty.	
Rs.		Rs.		
	Not exceeding	1,00,000		Nil.
Exceeding 1,00,000 and	not exceeding	2,00,000		Six.
" 2,00,000	" " "	3,00,000		Eight.
" 3,00,000	" " "	4,00,000		Ten.
" 4,00,000	" " "	5,00,000		Twelve.
" 5,00,000	" " "	6,00,000		Fifteen.
" 6,00,000	" " "	8,00,000		Twenty.
" 8,00,000	" " "	10,00,000		Twenty-five.
" 10,00,000	" " "	20,00,000		Thirty.
" 20,00,000	" " "	..		Thirty-five.

Act No. XXVII OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 11th April, 1950.)

An Act to relieve against the consequences of the declaration of certain public holidays

WHEREAS it is expedient to relieve against certain consequences of the declaration of the nineteenth, twentieth, twenty-first and twenty-second days of September, 1949, as public holidays under the Negotiable Instruments Act, 1881;

XXVI of
1881.

It is hereby enacted as follows:—

1. (1) This Act may be called the Postponement of Obligations Act, 1950. .

Short title,
extent and
commence-
ment.

(2) It extends to all the Provinces and the Capital of the Federation and to every acceding State to the extent to which the Federal Legislature has power to make laws for that State as regards banking.

(3) It shall come into force at once.

2. In this Act "banking company" means a banking company as defined in the Banking Companies (Control) Act, 1948.

Interpreta-
tion.

XXII of
1948.

3. (1) Any negotiable instrument as defined in the Negotiable Instruments Act, 1881 (hereinafter referred to as "the said Act"), which, but for this Act, would by reason of the declaration of the nineteenth, twentieth, twenty-first and twenty-second days of September, 1949 (hereinafter referred to as "the said public holidays"), as public holidays under the said Act have fallen due under the provisions of the said Act for payment on the seventeenth day of September shall, if not paid on any of the said public holidays and subject always to the provisions of subsection (2), be deemed to have fallen due for payment on the twenty-third day of September, 1949.

XXVI of
1881.

Postpone-
ment for
certain
debts due
under nego-
tiable ins-
truments.

(2) No suit or other proceeding shall lie against a banking company or any other person, corporate or otherwise, in respect of any delay occurring in the presentation by it of any bill of exchange for acceptance or payment, or in the making or receiving of payment thereof, during the period beginning at midnight on the twenty-second day of September, 1949, and ending at midnight on the fourteenth day of October, 1949, and the said period shall be excluded for the purpose of computing the due day for the presentation of such bill for payment or for receiving payment thereof.

Postponement for certain other debts.

4. Any sum otherwise due under any deed, contract, instrument, other than a negotiable instrument, or under any law for the time being in force, to be paid on any of the said public holidays and not paid on the due day or any other day of the said public holidays shall, if the failure so to pay arose out of the declaration of the said public holidays as such be deemed to have fallen due for payment on the twenty-third day of September, 1949.

Cessation of interest.

5. Notwithstanding anything to the contrary in any deed, contract, instrument, negotiable instrument or law for the time being in force as aforesaid under which but for this Act any sum would have fallen due for payment on a day being one of the said public holidays and was not paid on that day no interest shall accrue upon such sum between midnight at the end of that day and midnight at the end of the twenty-second day of September, 1949, if the failure to pay such sum arose out of the declaration of the said public holidays as such.

Crown to be bound.

6. The provisions of this Act shall bind the Crown.

Act No. XXVIII OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

Received the assent of the Governor-General on the 11th April, 1950.

An Act to amend the Banking Companies (Control) Act, 1948

XXII of 1948. WHEREAS it is expedient to amend the Banking Companies (Control) Act, 1948 for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Banking Companies (Control) (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

XXII of 1948. 2. In sub-section (3) of section 8 of the Banking Companies (Control) Act, 1948 (hereinafter referred to as the said Act), for the words "not later than fifteen days after the end of the month" the words "before the close of the month succeeding the month" shall be substituted. Amendment of section 8, Act XXII of 1948.

XXII of 1948. 3. In section 9 of the said Act,— Amendment of section 9, Act XXII of 1948.
(a) in sub-section (1), for the words "the last working day of every quarter" the words "business on any day" and for the words "seventy-five" the words "eighty-five" shall be substituted;

(b) for sub-section (2), the following shall be substituted, namely :—

"(2) Every banking company shall, before the close of the month succeeding that to which the return relates, furnish to the State Bank, in the prescribed form and manner, a monthly return showing particulars of the company's assets maintained in accordance with this section and its time and demand liabilities in the Provinces at the close of business on every Friday or if any Friday is a public holiday under the Negotiable Instruments Act, 1881, at the close of business on the preceding working day." ; and

XXVI of 1881.

(c) sub-section (4) shall be omitted.

XXII of 1948. 4. For section 10 of the said Act, the following shall be substituted, namely :— Substitution of section 10, Act XXII of 1948.
"10. *Submission of returns and information* :—

(1) Every banking company shall, before the close of the month succeeding the half-year to which the return relates, submit to the State Bank a half-yearly return in the prescribed form and manner showing particulars of its assets and liabilities in the Provinces as they stood at the close of business on the thirtieth day of June in the first half and on the thirty-first day of December in the second half of the year.

- (2) Every banking company shall also submit to the State Bank information every half year regarding the classification of the advances and investments of such banking company in respect of industry, commerce and agriculture, if the State Bank so desires."

Amendment of section 12, Act XXII of 1948. 5. In section 12 of the said Act, for the figure "9" the figure "10" shall be substituted. XXII of 1948.

Amendment of section 17, Act XXII of 1948. 6. For sub-section (2) of section 17 of the said Act, the following shall be substituted, namely :— XXII of 1948.

"(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the particulars to be included in the returns required by this Act and the manner in which such returns shall be submitted."

Insertion of new section, Act XXII of 1948. 7. After section 17 of the said Act, the following new section shall be inserted, namely :— XXII of 1948.

"17A. *Protection of action taken in good faith :—*

No suit or other legal proceeding shall lie against the Central Government, the State Bank or any officer of the said Government or Bank for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder, or for any damage caused or likely to be caused by any such thing as aforesaid."

Act No. XXIX OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 11th April, 1950.)

An Act to provide for the issue and putting into circulation of Government of Pakistan one-rupee notes

WHEREAS it is expedient that Government of Pakistan one-rupee notes should be issued and put into circulation ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan Currency Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect from the date from which the Pakistan Currency Ordinance, 1948, came into force. Interpretation.

2. In this Act, unless there is anything repugnant in the subject or context,—

“Pakistan one-rupee note” means a one-rupee note issued by the Government of Pakistan and includes the Government of India one-rupee note inscribed with the words “Government of Pakistan” in English and Urdu and issued in Pakistan under the authority of the Central Government on or after the first day of April, 1948.

3. Notwithstanding anything contained in any law for the time being in force the Central Government may issue Pakistan one-rupee notes and any such note shall be current in Pakistan in the same manner and to the same extent and as fully as the rupee coin called the Government rupee issued under the provisions of the former Indian Coinage Act, 1906, as in force at the relevant time, or the Pakistan Coinage Act and shall be legal tender in Pakistan for the payment of any amount until such time as they are called in by the Central Government under the provisions of section 16A of the Pakistan Coinage Act, and shall be deemed to be included in the expression “rupee coin” for all the purposes of the Pakistan (Monetary System and Reserve Bank) Order, 1947 : Power to issue one-rupee notes.

Provided that a Pakistan one-rupee note issued under this Act shall be deemed not to be a currency note for any of the purposes of the Pakistan (Monetary System and Reserve Bank) Order, 1947.

4. The provisions of sections 489A, 489B, 489C and 489D of the Pakistan Penal Code shall apply in respect of notes issued under this Act as they apply in respect of currency notes and bank notes. Punishment for counterfeiting, etc., one-rupee notes.

Repeal and
saving.

5. The Pakistan Currency Ordinance, 1948, is hereby-XIII of 1948
by repealed, but anything done under that Ordinance
shall be deemed to have been done under this Act and
all references to that Ordinance shall be construed as
references to this Act.

ACT No. XXX OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 11th April, 1950.)

An Act to amend the Sind Electricity Control Act, 1947

Sind Act III
of 1947. WHEREAS it is expedient to amend the Sind Electricity Control Act, 1947, in its application to the Capital of the Federation, for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Sind Electricity Control (Federal Capital Amendment) Act, 1950. Short title
and extent.

(2) It extends to the Capital of the Federation.

Sind Act III
of 1947. 2. In sub-section (3) of section 1 of the Sind Electricity Control Act, 1947, for the figures "1950" the figures "1952" shall be substituted. Amendment
of section 1,
Sind Act
III of 1947.

Price : Anna 1

ACT No. XXXI OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 11th April, 1950.)

An Act further to amend the Essential Supplies (Temporary Powers) Act, 1946

XXIV of
1946.

WHEREAS it is expedient further to amend the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Essential Supplies Short title.
(Temporary Powers) (Second Amendment) Act, 1950.

XXIV of
1946.

2. After the proviso to sub-section (1) of section 7 Amendment of section 7, Act XXIV of 1946.
of the Essential Supplies (Temporary Powers) Act, 1946, the following new sub-section shall be inserted, namely :—

“(1A) The owner of any vessel, conveyance or animal carrying any property in respect of which an order under section 3 is contravened shall, if the carrying is part of the transaction involving the contravention and if he knew or had reason to believe that the contravention was being committed, be deemed to have contravened the order, and in addition to the punishment to which he is liable under sub-section (1) the vessel, conveyance or animal shall, when the order provides for forfeiture of the property in respect of which the order is contravened, be forfeited to the Central Government.”

Price : Anna 1

ACT No. XXXII OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 11th April, 1950.)

An Act further to amend the Insurance Act, 1938

IV of 1938. WHEREAS it is expedient further to amend the Insurance Act, 1938, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Insurance (Amend- Short title
ment) Act, 1950. and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

IV of 1938. 2. For the words " Superintendent of Insurance " Substitution
wherever they occur in the Insurance Act, 1938, hereinafter of certain
referred to as the said Act, the words " Controller of words, Act
Insurance " shall be substituted. IV of 1938.

IV of 1938. 3. In section 98 of the said Act,—

(a) in sub-section (1) for the words " two hundred Amendment
thousand rupees " the words " one hundred of section
thousand rupees " shall be substituted ; and 98, Act IV
of 1938.

(b) in sub-section (2) for the words " twenty five
thousand " occurring twice the words " twelve
thousand and five hundred " shall be substituted
at both places,

Price : Anna 1

ACT No. XXXIII OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 11th April, 1950.)

An Act further to amend the Merchant Shipping Act, 1923

WHEREAS it is expedient further to amend the
XXI of 1923 Merchant Shipping Act, 1923, for the purposes here-
inafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Merchant Ship- Short title
ping (Amendment) Act, 1950. and com-
mencement.

(2) It shall come into force at once.

2. In section 12 of the Merchant Shipping Act, Amendment
1923, in clause (b), for the word and full-stop "Act.", of section
the words and semi-colon "Act ; or" shall be sub- 12, Act
stituted and after clause (b) the following new XXI of 1923
clause shall be added, namely :—

" (c) issued by a competent authority in any
other country and recognised by the Cen-
tral Government by written order as equiva-
lent to a certificate mentioned in clause
(a). "

Price : Anna 1

ACT NO. XXXIV OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April 1950).

An Act to revive and continue for a limited period the Railways (Transport of Goods) Act, 1947

WHEREAS it is expedient to revive and continue for a limited period the Railways (Transport of Goods) Act, 1947 ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Railways (Transport of Goods) (Revival and Continuance) Act, 1950. Short title and commencement.

(2) It shall come into force at once and shall be deemed to have taken effect on the twenty-fifth day of March, 1950.

2. (1) The Railways (Transport of Goods) Act, 1947, is hereby revived and continued in force, subject to the provisions of sub-section (2) of this section. Revival and continuance of Act XII of 1947.

(2) In sub-section (3) of section 1 of that Act, for the word "three" the word "four" shall be substituted.

ACT NO. XXXV OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950)

An Act further to amend the Sind Rent Restriction Act, 1947

Sind Act X
of 1947

WHEREAS it is expedient further to amend the Sind Rent Restriction Act, 1947, in its application to the Capital of the Federation, for the purposes herein-after appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Sind Rent Restriction (Amendment) Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the Capital of the Federation.

(3) It shall come into force at once.

Sind Act X
of 1947.

2. To section 15 of the Sind Rent Restriction Act, 1947, hereinafter referred to as "the said Act" after sub-section (4), the following new sub-section shall be added, namely :—

Amendment
of section
15, Sind Act
X of 1947.

" (5) So much of any residential premises as is deemed to be vacant under the provisions of this section may be placed under seal by the Controller, and any person breaking open such seal shall, without prejudice to any liability he may by such breaking open incur under any other law for the time being in force, be deemed to have contravened the provisions of this section."

Sind Act X
of 1947.

3. In section 16 of the said Act, after the words "any area" the words and brackets "(not being the Karachi Cantonment area)" shall be inserted.

Amendment
of section
16, Sind Act
X of 1947.

Sind Act X
of 1947.

4. For section 20 of the said Act, the following shall be substituted, namely :—

Substitution
of section
20, Sind Act
X of 1947.

" 20. (1) The Provincial Government may, on an application to be made within seven days of any order made by the Controller under this Act, call for the relevant record for the purpose of satisfying itself as to the legality or propriety of the order and as to the regularity of the proceedings, if any, in which the order was made, and may pass such order thereon as it deems fit and may stay the order of eviction under section 15 of the Act pending the hearing and disposal of the matter.

- (2) The Provincial Government may, upon application made to it in this behalf, review any order made by it under the preceding sub-section and the provisions of Order XLVII in the First Schedule to the Code of Civil Procedure, 1908, shall so far as v of 1908. may be, apply to such review.
- (3) Where an application has been made under either of the two preceding sub-sections, no application by any person in respect of the matters decided by the order of the Provincial Government under either of those sub-sections shall be made to the Controller (or if made shall, together with any order made by the Controller in respect of it, be void and of no effect), but any person aggrieved by the order of the Provincial Government as aforesaid, not being a person who was a party to the application first mentioned in this sub-section, may make an application to the Provincial Government for review of such order and the provisions of sub-section (2) shall apply to such application.
- (4) The provisions of Order IX in the First Schedule to the Code of Civil Procedure, 1908, shall so far as may be apply to applications under this section. v of 1908.
- (5) The Provincial Government may, by general or special order, direct that the powers conferred on it by sub-section (1) shall, subject to such conditions as may be specified in the order, be exercisable by a person not below the rank of a judge, Small Cause Court."

Substitution
of section 22
Sind Act X
of 1947.

5. For section 22 of the said Act, the following shall be substituted, namely :— Sind Act X
of 1947.

" Subject to the provisions of sub-section (2) of section 20 an order made by the Provincial Government under sub-section (1) or sub-section (2) of that section, and, subject to the same sub-sections of that section, an order of the Controller shall be final and shall not be called in question in any court."

Sind Act X
of 1947.

6. After section 22 of the said Act, the following
new section shall be inserted, namely :—

Insertion of
new section
22A, Sind
Act X of
1947.

V of 1908.

“ 22A. The provisions of Order XXI in the First
Schedule to the Code of Civil Procedure,
1908, shall so far as may be apply to the
execution of orders made or deemed to be
made under this Act. ”

ACT NO. XXXVI OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act to amend the Pakistan Public Safety Ordinance, 1949

WHEREAS it is expedient to amend the Pakistan
XIV of 1949 Public Safety Ordinance, 1949, for the purpose herein-
after appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan Public Safety (Amendment) Act, 1950. Short title
and com-
mencement.
(2) It shall come into force at once.

2. In section 1 of the Pakistan Public Safety Ordinance, 1949 (hereinafter referred to as the said Ordinance), after sub-section (3) the following new sub-section shall be added, namely :— Amendment
of section 1,
Ordinance
XIV of
1949.

X of 1897. “ (4) Section 6 of the General Clauses Act, 1897, shall apply upon the expiry of this Ordinance as if it had then been repealed by a Central Act.”

XIV of 1949 3. After section 15 of the said Ordinance, the following new sections shall be added, namely :— Addition of
new sections
16 and 17,
Ordinance
XIV of
1949.

“ 16. *Delegation.*—The Central Government may, by order direct that any power which by or under any of the provisions of this Ordinance is conferred on the Central Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised in respect of Karachi by the Administrator of Karachi or by such other officer subordinate to him and not below the rank of District Magistrate as he may, by order, direct.

17. *Power to make rules.*—(1) The Central Government may make rules, not inconsistent with the provisions of this Ordinance, to carry into effect the purposes thereof.

(2) All rules made under this section shall be laid before the Central Legislature as soon as may be after they are made.”

ACT No. XXXVII OF 1950

[PASSED BY THE PAKISTAN COUSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act to provide for the summary registration in Pakistan of certain trade marks registered in India

WHEREAS it is expedient to provide for the summary registration in Pakistan of trade marks registered in India before the first day of April, 1948, and for their prior invalidation in order to such summary registration ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Trade Marks Short title,
(Invalidation and Summary Registration) Act, 1950, extent and

(2) It extends to all the Provinces and the commence-
Capital of the Federation. ment.

(3) It shall come into force at once, and shall be deemed to have taken effect on the first day of April 1948.

2. In this Act, unless there is anything repugnant Definition.
in the subject or context,—

(a) "prescribed" means prescribed by rules made under this Act ;

(b) "Registrar" means the Registrar of Trade Marks in Pakistan and includes the Deputy Registrar of Trade Marks when discharging the functions of the Registrar under the Act ;

V of 1940.

(c) "the Act" means the Trade Marks Act, 1940, as in force at the relevant time before the fifteenth day of August, 1947, in British India, or as in force in Pakistan or in India on and after that date, as the context may require ;

(d) "trade mark filed in India" means a trade mark or a certification trade mark for which an application for registration has been made to the Registrar of Trade Marks in India before the first day of April, 1948 ; and

(e) "trade mark registered in India" means a trade mark or a certification trade mark in respect of which a certificate of registration has been sealed with the seal of the Trade Marks Registry in India before the first day of April, 1948.

Marks to be
deemed not
filed or
registered
for Pakistan.

3. Notwithstanding anything to the contrary contained in the Pakistan (Adaptation of Existing Pakistan Laws) Order, 1947, or in the Indian Independence (Miscellaneous Transitional Provisions) Order, 1947, or in any other law for the time being in force,—

(a) trade marks registered in India shall be deemed not to have been registered in Pakistan unless they are applied for and registered under this Act; and

(b) trade marks filed in India shall be deemed not to have been filed in Pakistan.

Application
for registra-
tion.

4. Any proprietor of a trade mark registered in India who is desirous of registering that mark in Pakistan shall, subject as hereafter provided in this Act, be entitled to make an application for registration of the same to the Registrar on payment of such fee as may be prescribed :

Provided that any application for registration of a trade mark registered in India and filed in Pakistan before the commencement of this Act shall be deemed to be an application made under this section.

Procedure.

5. (1) Every application under section 4 shall be made in writing in the prescribed manner.

(2) Nothing in section 15 or section 55 of the Act shall apply in respect of any application made under section 4 of this Act.

(3) On such application being made, the Registrar shall register the trade mark and the registration so made shall be deemed to have been made under the Act with effect from the date of registration V of 1940. of the mark in India under sub-section (1) of section V of 1940. 16 of the Act.

Duration of
registration.

6. The registration of a trade mark under sub-section (3) of section 5 shall be for a period of seven years :

Provided that where the registration of a trade mark in India under the Act would, but for this Act, V of 1940. have expired on or before the thirtieth day of June, 1951, the registration under this Act shall expire on the said day.

Limitation.

7. No application under section 4 shall be made after the lapse of one year from the commencement of this Act.

Power to
make rules.

8. The Central Government may, by notification in the Official Gazette, make rules to carry into effect the provisions of this Act.

9. Nothing in this Act or in the rules made there-
 V of 1940. under shall derogate from the provisions of the Act
 or the Trade Marks Rules, 1942, save where any
 provision of this Act or the rules made thereunder is
 V of 1940. repugnant to any provision of the Act, or as the case
 may be, of the Trade Marks Rules, 1942, in which case
 the provisions of this Act or the rules made there-
 under shall prevail.

Trade
Marks Act
and Rules
to apply.

10. No suit, prosecution or other legal proceeding
 shall lie against the Central Government or the
 Registrar or any person acting under his direction
 for anything in good faith done or intended to be
 done under this Act or any rule made thereunder.

Protection
of action
under this
Act.

ACT NO. XXXVIII OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

Received the assent of the Governor-General on the 19th April, 1950

An Act further to amend the Tariff Act, 1934

WHEREAS it is expedient further to amend the Tariff Act, 1934, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

Short title
and com-
mencement

1. (1) This Act may be called the Tariff (Amendment) Act, 1950.

(2) It shall come into force at once and shall be deemed to have taken effect on the 1st day of April, 1949.

XXXII of
1934.

2. In the First Schedule to the Tariff Act, 1934 :—Amendment

- (i) against items No. 28(16), 28(18) (a),^{of First} 30(9), 30(10), 70(2), 70(3), 71(7), 72(11),^{Schedule,} 75(5), 75(6), 75(7), and 75(8), for the^{Act XXXII} of 1934.
word "Protective" in the third column of the said Schedule the word "Revenue" shall be substituted, and the words and figures "March 31st 1949" in the seventh column thereof shall be omitted.
- (ii) against items No. 18, 28(18) (b), 28(18) (c), and 63(33) for the word "Protective" in the third column the word "Revenue" shall be substituted and the words and figures "March 31st 1950" in the seventh column thereof shall be omitted.

1. For Statement of Objects and Reasons, see *Gazette of Pakistan*, 1950, Pt. V, p. 90.

ACT No. XXXIX OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act to continue for a limited period powers to prohibit or control imports and exports.

WHEREAS it is expedient to continue for a limited period powers to prohibit, restrict or otherwise control imports into and exports from Pakistan;

It is hereby enacted as follows :—

1. (1) This Act may be called the Imports and Exports (Control) Act, 1950. Short title, extent, commencement and duration.

(2) It extends to all the Provinces and the Capital of the Federation and to every Acceding State to the extent to which the Central Legislature has power to make laws for that State as regards the control of imports and exports.

(3) It shall come into force immediately, and shall remain in force for a period of three years.

2. In this Act—

Definitions.

(a) " Chief Controller " means the officer appointed by the Central Government to perform the duties of Chief Controller of Imports and Exports under this Act;

(b) " Customs-collector " means a Customs-collector as defined in the Sea Customs Act, 1878, or a Collector of Land Customs appointed under the Land Customs Act, 1924; and

(c) " import " and " export " mean respectively bringing into, and taking out of, the Provinces or the Capital of the Federation or any Acceding State, if the Federal Legislature has power to make laws for such State by sea land or air.

3. (1) The Central Government may, by order published in the Official Gazette and subject to such conditions and exceptions as may be made by or under the order, prohibit, restrict or otherwise control the import or export of goods of any specified description, or regulate generally all practices (including trade practices) and procedure connected with the import or export of such goods, including the submission of applications for licences under this Act, the evidence to be attached to such applications, and the grant, use, transfer or sale or cancellation of such licences. Powers to prohibit or restrict imports and exports.

(2) No goods of the specified description shall be imported or exported except in accordance with the conditions of a licence to be issued by the Chief Controller or any other officer authorised in this behalf by the Central Government.

(3) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly except that section 183 thereof shall have effect as if for the word "shall" therein the word "may" were substituted.

(4) Notwithstanding anything contained in the aforesaid Act the Central Government may, by order published in the Official Gazette, prohibit, restrict or impose conditions on the clearance whether for home consumption or for shipment abroad of any imported goods or class of goods.

Continuance
of existing
orders.

4. All orders made under section 3 of the Imports and Exports (Control) Act, 1947, and in force immediately before the commencement of this Act, shall so far as they are not inconsistent with the provisions of this Act, continue in force and shall be deemed to have been made under this Act.

Penalty.

5. If any person contravenes any order made or deemed to have been made under this Act or the rules made thereunder, or makes use of an import or export licence otherwise than in accordance with any condition in that behalf imposed under this Act, he shall without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878, as applied by sub-section (3) of section 3 of this Act be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Cognizance
of offences.

6. No court shall take cognizance of any offence punishable under section 5 except upon complaint in writing made,—

(a) in the case of an offence which is punishable both under this Act or the rules made thereunder and also, whether by confiscation or otherwise, under the Sea Customs Act, 1878, by a Customs-collector or by an officer of Customs authorised in writing in this behalf by a Customs-collector, or

(b) in the case of any other offence, by the Chief Controller or by an officer authorised by him in writing in this behalf;

and no court inferior to that of a Magistrate of the first class shall try any such offence.

Savings.

7. No order made or deemed to have been made under this Act shall be called in question in any Court, and no suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any rules made thereunder or any order made or deemed to have been made thereunder.

Power to
make rules.

8. The Central Government may make rules not inconsistent with this Act for carrying out the purposes of this Act.

Act XVIII
of 1947 and
Ordinance
I of 1950
repealed.

9. The Imports and Exports (Control) Act, 1947, and the Imports and Exports (Control) Ordinance, 1950, are hereby repealed.

XVIII of
1947
I of 1950.

ACT No. XL OF 1950¹.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]
(Received the assent of the Governor-General on the 19th April, 1950.)

An Act to provide for the salaries and allowances of Deputy Ministers.

WHEREAS it is expedient to provide for the salaries and allowances of Deputy Ministers of the Governor-General of Pakistan and for matters connected therewith ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Salaries and Allowances of Deputy Ministers Act, 1950. Short title and commencement.
(2) It shall come into force at once.
2. In this Act— Definitions.
 - (a) "Deputy Minister" means a Deputy Minister of the Governor-General of Pakistan ;
 - (b) "residence" includes the staff quarters and other buildings appurtenant to the residence ; and
 - (c) "prescribed" means prescribed by rules to be made by the Governor-General.
3. Every Deputy Minister shall receive a salary of two thousand rupees per mensem. Salaries of Deputy Ministers.
4. (1) Every Deputy Minister shall be entitled, without payment of rent, to the use of a residence, furnished in accordance with the prescribed scale, throughout his term of office and for a period of fifteen days immediately thereafter. Allowances and privileges.
(2) Every Deputy Minister shall be entitled to such further allowances and privileges as may be prescribed.

¹ For Statement of Objects and Reasons, See Gazette of Pakistan, 1950, Pt. V, P. 80.

ACT NO. XLI OF 1950¹.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act further to amend the Railways Act, 1890.

WHEREAS it is expedient further to amend the Railway Act, 1890, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Railways (Amendment) Act, 1950.
2. With effect on and from the twenty-sixth day of March, 1930, Chapter VIA of the Railways Act, 1890, as set out in section 2 of the Indian Railways (Amendment) Act, 1930, shall notwithstanding the provisions of sub-section (2) of section 1 of the second mentioned Act be deemed to have been inserted in the Railways Act, 1890, after Chapter VI of that Act. Retrospective effect of Chapter VIA, Act IX of 1890.
3. For section 71B of the Railways Act, 1890, the following shall be substituted, namely :—
“ 71-B. (1) This chapter has effect in respect of the North-Western Railway and the Eastern Bengal Railway and the Central Government may, by notification in the Official Gazette, direct that it shall have effect in respect of any specified Railway other than the Railways mentioned on such date as may be appointed by the notification.
(2) This chapter applies only to such Railway servants or classes of railway servants as the Central Government may, by rules made under section 71-E, prescribe.”

¹ . For Statement of Objects and Reasons, see Gaz. of Pakistan, 1950, Pt. V, p. 93.

ACT No. XLII OF 1950¹.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act further to amend the Karachi Port Trust Act, 1886.

Bombay
Act VI of
1886;

WHEREAS it is expedient further to amend the Karachi Port Trust Act, 1886, for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Karachi Port Trust (Second Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In section 2 of the Karachi Port Trust Act, 1886, hereinafter referred to as the said Act, for sub-section (7) the following shall be substituted, Amendment of section 2, Bombay Act VI of 1886.
namely :—

“(7) ‘owner’ when used in relation to goods includes any consignor, consignee, shipper, agent for shipping, clearing or removing such goods, or agent for the sale or custody of such goods; and when used in relation to any vessel, includes any part-owner, charterer, consignee or mortgagee in possession thereof.”

3. In section 5 of the said Act for the word “sixteen” the word “seventeen” shall be substituted. Amendment of section 5, Bombay Act VI of 1886.

4. In section 6 of the said Act for sub-section (2), the following shall be substituted, namely :— Amendment of section 6, Bombay Act VI of 1886.

“(2) The Board shall elect at its first meeting held at the beginning of each year of the term of the Trustees composing that Board one of the Trustees to be Vice-Chairman of the Board for a period of one year expiring with the expiry of that year of the term.”

5. (1) In sub-section (1) of section 7 of the said Act, after the words “Karachi Port Haj Committee” the words and comma “or the successor of that Committee, one shall be elected by the All Pakistan Chamber of Commerce”, shall be inserted. Amendment of section 7, Bombay Act VI of 1886.

(2) For sub-section (2) of section 7 of the said Act, the following shall be substituted, namely :—

“(2) The right to elect trustees conferred on the Karachi Chamber of Commerce, the Pakistan Merchants' Association, the Karachi Buyers and Shippers' Chamber, the Chamber of Commerce, Pakistan and the All-Pakistan Chamber of Commerce shall accrue only to such Chamber of Commerce or such Pakistan Merchants'

Association, or such Karachi Buyers and Shippers' Chamber, or such Chamber of Commerce, Pakistan or such All-Pakistan Chamber of Commerce on being or becoming registered under the law for the time being in force for the registration of companies or associations."

Amendment
of section 8,
Bombay Act
VI of 1886.

6. In Section 8 of the said Act,—

(a) in the first paragraph,—

- (i) after the words "Port Haj Committee" when they first occur the words and comma "or the successor of that Committee, the All-Pakistan Chamber of Commerce" shall be inserted;
- (ii) after the words "or of the said Haj Committee", the words and comma "or the successor of that Committee, or of the said All Pakistan Chamber of Commerce" shall be inserted;
- (iii) after the words "the Chairman of the Karachi Port Haj Committee", the words and comma "or the successor of that Committee, the Secretary of the All-Pakistan Chamber of Commerce" shall be inserted; and

(b) in the second paragraph, after the words "or by the Karachi Port Haj Committee" occurring twice, the words and comma "or the successor of that Committee, or by the All-Pakistan Chamber of Commerce" shall be inserted.

Amendment
of section 11,
Bombay Act
VI of 1886.

7. In section 11 of the said Act for the paragraph which follows the proviso, the following shall be substituted, namely:—

"The Chairman shall hold office for such period as the Central Government may from time to time decide."

Amendment
of section 12
Bombay Act
VI of 1886.

8. In sub-section (1) of section 12 of the said Act, for the words "and appointments of such trustees by the Government shall be made on some day before the term of office of the new trustees begins", the words "and appointments of such trustees by the Central Government shall be made on some day prior to the date of the first meeting of the new Board" shall be substituted.

Amendment
of section 13
Bombay Act
VI of 1886.

9. In section 13 of the said Act for sub-section (2) the following shall be substituted, namely:—

- "(2) If a trustee departs from Karachi with an intention of being absent for a period of three months or more, a person shall be elected or appointed as aforesaid to act for such trustee during his absence,

or until he shall cease to be a trustee ;
and the person so acting shall be deemed
for all the purposes of this Act to be a
trustee."

10. In section 15A of the said Act for sub-section
(2), the following shall be substituted, namely :—

" (2) In the event of the Karachi Chamber of Commerce, or the Pakistan Merchants' Association, or the Karachi Buyers' and Shippers' Chamber, or the Chamber of Commerce, Pakistan, or the Municipality of Karachi, or the Karachi Port Haj Committee or the successor of that Committee, or the All Pakistan Chamber of Commerce electing a trustee or trustees under section 7 of this Act, being dissolved or ceasing to exist, the office of any trustee or trustees elected by the said Chamber of Commerce or by the Pakistan Merchants' Association, or by the Karachi Buyers' and Shippers' Chamber or by the Chamber of Commerce, Pakistan, or by the Municipality of Karachi, or by the Karachi Port Haj Committee or its successor or by the All Pakistan Chamber of Commerce, which has been dissolved, or has ceased to exist, shall thereupon become vacant."

Amendment
of section 15-
A, Bombay
Act VI of
1886.

a. 11. In section 16 of the said Act,—

(a) for sub-section (1) the following shall be substituted, namely :—

Amendment
of section
16, Bombay
Act VI of
1886.

(1) "The Chairman's remuneration and other conditions of service shall be determined by the Central Government." ; and

(b) in clause (c) of sub-section (2), the word "special" occurring in two places before the words "meeting of a committee", and the words "or special" occurring before the words "meeting of the Board" shall be omitted.

12. In section 17 of the said Act,—

(a) after sub-section (2) the following new sub-section shall be inserted, namely :—

Amendment
of section
17, Bombay
Act VI of
1886.

" (2A) The minutes of the meetings of the Board shall be open for inspection by any member of the public on payment of such fees as may be fixed by the Board, and any member of the public may obtain copies of the minutes on payment of a copying fee prescribed for copies obtainable from the offices of the Provincial Government :

Provided that the Chairman may, under the direction of the Board, refuse to allow access or give copies to any person of such portions of the minutes as he may consider to be of a confidential nature ; " and

(b) for sub-section (3), the following shall be substituted, namely :—

" (3) The Board may appoint Committees consisting of such trustees as it thinks fit to examine and advise the Board on any matter referred to the Committees and may also delegate to such Committees such of its powers as it may think fit. Any committee so formed shall conform to any instructions that may from time to time be given to it by the Board and the Board may at any time discontinue or alter the constitution of any Committee so formed."

Amendment of section 18, Bombay Act VI of 1886. 13. In sub-sections (4) and (6) of section 18 of the said Act, for the words "one thousand rupees" the words "three thousand rupees" shall be substituted at both places.

Amendment of section 21, Bombay Act VI of 1886. 14. In section 21 of the said Act, for paragraph (7) of the proviso the following shall be substituted, namely :—

" (1) that artisans, porters and labourers and mukaddams of porters and labourers, persons temporarily employed in the engineering department, and any member of the staff engaged for a period not exceeding six months whose pay is not more than rupees one hundred per mensem, shall not be deemed to be officers or servants within the meaning of this section or section 22, clauses (1) to (4), both inclusive, or of section 23 ;".

Amendment of section 22, Bombay Act VI of 1886. 15. In section 22 of the said Act for sub-section (6), the following shall be substituted, namely :—

" (6) for authorising the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any provident fund which may be established by the Board for the benefit of its officers (including such officer as may be appointed by the Central Government to act as Chairman) and servants or which, with the Board's approval, may be established by its officers and servants themselves ;".

16. In section 26 of the said Act, for the words "Provincial Government" the words "Central Government" shall be substituted.

Amendment
of section
26, Bombay
Act VI of
1886.

17. Section 27 of the said Act shall be re-numbered as sub-section (1) of that section, and in the sub-section as so re-numbered—

Amendment
of section
27, Bombay
Act VI of
1886.

(a) for the words "Provincial Government" wherever they occur the words "Central Government" shall be substituted;

(b) in clause (2) of the proviso the words "with the approval of the Central Government" shall be omitted;

and after the said sub-section, the following new sub-section shall be added, namely:—

"(2) Nothing in clause (2) of the proviso to sub-section (1) shall apply to land reclaimed from harbour waters, and the Board shall be compensated for any improvements effected by it on any land resumed under that clause."

18. In section 29 of the said Act, for the words "one thousand rupees" in the proviso the words "three thousand rupees" shall be substituted.

Amendment
of section
29, Bombay
Act VI of
1886.

19. In section 32 after the words "jetty or pier" the words "or standing in the stream" shall be inserted.

Amendment
of section
32, Bombay
Act VI of
1886.

20. In section 44 of the said Act, the following proviso shall be added at the end, namely:—

Amendment
of section
44, Bombay
Act VI of
1886.

"Provided that the sanction of the Central Government shall not be necessary if the remission in any one case does not exceed rupees one hundred."

21. In section 49 of the said Act, for the second paragraph the following shall be substituted, namely:—

Amendment
of section
49, Bombay
Act VI of
1886.

"Whenever any goods are so removed, the Board shall give notice of such removal to the consignee or other person concerned by notification in the Official Gazette specifying therein the name of the ship which brought the goods, the date of her arrival, and the numbers, marks and descriptions of the goods so far as the same appear; and the consignee of such goods or other person to whom notice has been given as aforesaid, in addition to the expenses of the removal of the same, shall be liable, in case the goods

are removed to any warehouse of the Board, to a charge for warehousing for the time during which the goods shall remain in the said warehouse."

Amendment of section 51, Bombay Act VI of 1886. 22. In section 51 of the said Act, in the second paragraph, the words "importer or" shall be omitted.

Amendment of section 60, Bombay Act VI of 1886. 23. In section 60 of the said Act, in the second paragraph, for the word "Secretary" the words "Chief Accountant, or in his absence, the Deputy Chief Accountant" shall be substituted.

Amendment of section 61, Bombay Act VI of 1886. 24. In section 61 of the said Act, in sub-section (4), the words "and the Provincial Government" shall be omitted.

Amendment of section 69, Bombay Act VI of 1886. 25. In section 69 of the said Act,—

- (a) in paragraph 1 the words "remaining on the thirty-first day of March each year" shall be omitted;
- (b) for the third paragraph, the following shall be substituted, namely:—

"in this section the words "public securities" mean:

 - (a) promissory notes, debentures, stock or other securities of the Provincial or the Central Governments; and
 - (b) debentures or other securities for money issued by, or on behalf of,—
 - (i) any Municipal body or any Port Trust under the authority of any Act of a Legislature established in Pakistan or the Karachi Harbour Board or by the Board;
 - (ii) the Karachi Improvement Trust under the authority of the Karachi Improvement Trust Act.

The securities shall be endorsed by the Chairman and two trustees."

Insertion of new section 84-A, Bombay Act VI of 1886. 26. After section 84 of the said Act, the following new section shall be inserted, namely:—

"84A. All trustees, and all officers and servants of the Board other than artisans, porters and labourers, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code."

ACT No. XLIII OF 1950¹.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act to implement the International Monetary Fund and Bank Agreements.

WHEREAS, at the United Nations Monetary and Financial Conference held at Bretton Woods, New Hamp Shire, in July 1944, Articles of the following agreements were drawn up, and set out in the Final Act of the said Conference that is to say,—

(a) an agreement (hereinafter referred to as the Fund Agreement) for the establishment and operation of an international body to be called the International Monetary Fund (hereinafter referred to as the International Fund), and

(b) an agreement (hereinafter referred to as the Bank Agreement) for the establishment and operation of an international body to be called the International Bank for Reconstruction and Development (hereinafter referred to as the International Bank) ;

It is hereby enacted as follows :—

1. (1) This Act may be called the International Monetary Fund and Bank Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to all the Provinces of Pakistan and the Capital of the Federation.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) There shall be paid out of the revenues of the Central Government all such sums as may from time to time be required for the purpose of paying—

Payments
to Inter-
national
Fund and

(a) the subscriptions payable by the Central Government, to the International Fund under paragraph (a) of section 3, and paragraph (a) of section 4, of Article III of the Fund Agreement, and to the International Bank under paragraph (a) of section 3 of Article II of the Bank Agreement ;

(b) any sums payable by the Central Government to the International Fund under paragraph (b) of section 8 of Article IV of the Fund Agreement, and to the International Bank under section 9 of Article II of the Bank Agreement ;

(c) any charges payable by the Central Government to the International Fund under section 8 of Article V of the Fund Agreement ;

(d) any sums required for implementing the guarantee of the Central Government referred to in section 3 of Article XIII of the Fund Agreement ;

¹ For Statement of Objects and Reasons, see, *Gaz. of Pakistan, Extraordy*, 1950 p. 205.

(e) any compensation required to be paid by the Central Government to the International Fund or to any member thereof under Schedule D or Schedule E to the Fund Agreement.

(2) The Central Government may, if it thinks fit so to do, create and issue to the International Fund or International Bank, in such form as it thinks fit, any such non-interest bearing and non-negotiable notes or other obligations as are provided for by section 5 of Article III of the Fund Agreement and section 12 of Article V of the Bank Agreement.

State Bank
to be
depository
for Inter-
national
Fund and
Bank.

3. The State Bank of Pakistan (hereinafter referred to as the State Bank) shall be the depository of the Pakistan currency holdings of the International Fund and International Bank.

Power to
call for
information.

4. (1) Where under section 5 of Article VIII of the Fund Agreement, the International Fund required the Central Government to furnish it with any information, the Central Government, or if generally or specially authorised by the Central Government in this behalf, the State Bank may by order in writing require any person to furnish to such officer or other person as may be specified in the order such detailed information as the Central Government or the State Bank, as the case may be, may determine to be essential for the purpose of complying with the request of the International Fund; and any person so required shall be bound to furnish such information.

(2) Every officer or person to whom any information is required to be furnished under this section shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code. ^{XLV of 1860.}

(3) No information obtained under this section shall be furnished to the International Fund in such detail as to disclose the affairs of any person, and the provisions of sub-sections (1), (2) and (3) of section 54 of the Income-tax Act, 1922, shall apply in relation to information obtained under this section as they apply to the particulars referred to in that section. ^{XI of 1922.}

(4) A determination of the Central Government or the State Bank under sub-section (1) as to the extent of detail in which information is to be furnished shall be final, and in any prosecution under section 176 or section 177 of the Pakistan Penal Code in respect of any information required to be furnished under this section, it shall not be a defence to assert that the information was required to be furnished in greater detail than was essential for the purpose of complying with the request of the International Fund.

(5) No prosecution for an offence in respect of any information required to be furnished under this section shall be instituted except with the previous sanction of the Central Government.

5. Notwithstanding anything to the contrary contained in any other law, the provisions of the Fund and Bank Agreements set out in the Schedule shall have the force of law in the Provinces and the Capital of the Federation : Certain provisions of Agreements to have force of law.

Provided that nothing in section 9 of Article IX of the Fund Agreement or in section 9 of Article VII of the Bank Agreement shall be construed as—

(a) entitling the International Fund or International Bank to import into the Provinces or the Capital goods free of any duty of customs without any restriction on their subsequent sale therein, or

(b) conferring on the International Fund or International Bank any exemption from duties or taxes which form part of the price of goods sold or which are in fact no more than charges for services rendered.

6. In clause 13 of the State Bank of Pakistan Order, 1948, after the Explanation to sub-clause (15), the following new sub-clause shall be inserted, namely :— Amendment of clause 13, State Bank of Pakistan Order, 1948.

“(15A) the performance of the functions of the Bank under the International Monetary Fund and Bank Act, 1950.”

7. The International Monetary Fund and Bank Ordinance, 1945, is hereby repealed. Repeal of Ordinance XLVII of 1945.

XLVII of 1945.

THE SCHEDULE.

(See section 5)

PROVISIONS OF AGREEMENTS WHICH SHALL HAVE FORCE OF LAW.

PART I

FUND AGREEMENT

Paragraph (b) of section 2 of Article VIII.—Exchange contracts which involve the currency of any member and which are contrary to the exchange control regulations of that member maintained or imposed consistently with this Agreement shall be unenforceable in the territories of any member.

ARTICLE IX

STATUS, IMMUNITIES AND PRIVILEGES.

Section 1. *Purpose of Article.*—To enable the Fund to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Fund in the territories of each member.

Section 2. *Status of the Fund.*—The Fund shall possess full juridical personality, and, in particular, the capacity—

- (i) to contract ;
- (ii) to acquire and dispose of immovable and movable property ;
- (iii) to institute legal proceedings.

Section 3. *Immunity from judicial process.*—The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

Section 4. *Immunity from other action.*—Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. *Immunity of archives.*—The archives of the Fund shall be inviolable.

Section 6. *Freedom of assets from restrictions.*—To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. *Privilege for communications.*—The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

Section 8. *Immunities and privileges of officers and employees.*—All governors, executive directors, alternates, officers and employees of the Fund—

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity ;
- (ii) not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members ;
- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. *Immunities from taxation.*—(a) The Fund, its assets, property, income and its operations and transactions authorised by this Agreement, shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held—

- (i) which discriminates against such obligation or security solely because of its origin ; or
- (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

PART II BANK AGREEMENT

ARTICLE VII

STATUS, IMMUNITIES AND PRIVILEGES.

Section 1. *Purpose of Article.*—To enable the Bank to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Bank in the territories of each member.

Section 2. *Status of the Bank.*—The Bank shall possess full juridical personality, and, in particular, the capacity—

- (i) to contract ;
- (ii) to acquire and dispose of immovable and movable property ;
- (iii) to institute legal proceedings.

Section 3. *Position of the Bank with regard to judicial process.*—Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Section 4. *Immunity of assets from seizure.*—Property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. *Immunity of archives.*—The archives of the Bank shall be inviolable.

Section 6. *Freedom of assets from restrictions.*—To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from any restrictions, regulations, controls and moratoria of any nature.

Section 7. *Privilege for communications.*—The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. *Immunities and privileges of officers and employees.*—All governors, executive directors, alternates, officers and employees of the Bank—

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Bank waives this immunity ;

(ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members ;

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. *Immunities from taxation.*—(a) The Bank, its assets, property, income and its operations and transactions authorised by this Agreement, shall be immune from all taxation and from all customs duties. The Bank shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is issued by the Bank ; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is guaranteed by the Bank ; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

ACT No. XLIV of 1950¹.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act to amend the Development of Industries (Federal Control) Act, 1949.

WHEREAS it is expedient to amend the Development of Industries (Federal Control) Act, 1949, for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Development of Industries (Federal Control) Amendment Act, 1950. Short title
and com-
mencement.

(2) It shall come into force at once.

2. After section 3 of the Development of Industries Amendment (Federal Control) Act, 1949, the following new section shall be inserted, nameiy :— of Section 3,
Act XIII of
1949.

“3A. Power to regulate industry.—In pursuance of the declaration made in the last preceding section the Central Government may in respect of any industry to which this Act applies, plan and regulate the setting up of any new undertaking or the development of any new or existing undertaking”.

1. For Statement of Objects and Reasons, see Gaz. of Pakistan, 1950, Pt. V, P-113.

ACT No. XLV OF 1950¹.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLAURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act to establish the Pakistan Industrial Development Corporation.

WHEREAS it is expedient to establish an Industrial Development Corporation for the purpose of promoting certain industries ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan Industrial Development Corporation Act, 1950. Short title,
extent and
commence-
ment.

(2) It extends to all the Provinces and the Capital of the Federation and shall extend to such Acceding States as shall by their Instrument of Accession accept the subject matter of this Act as a matter with respect to which the Federal Legislature may make laws for such States.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,— Interpreta-
tion.

(a) "Board" means the Board of Directors of the Corporation ;

(b) "Corporation" means the Pakistan Industrial Development Corporation established under this Act ; and

(c) "prescribed" means prescribed by rules or regulations under this Act.

3. (1) As soon as may be after the commencement of this Act the Central Government shall establish a Corporation to be called the Pakistan Industrial Development Corporation. Establish-
ment and
incorpora-
tion.

(2) The Corporation shall be a body corporate by the name of the Pakistan Industrial Development Corporation, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property both movable and immovable and shall by the said name sue and be sued.

4. (1) The authorised share capital of the Corporation shall be one crore of rupees, divided into one hundred full paid-up shares of one lakh of rupees each, of which twenty five shares shall be issued in the first instance and the remaining shares may be issued from time to time by the Corporation with the previous sanction of the Central Government. Share
capital.

¹ For Statement of Objects and Reasons, see *Gazette of Pakistan*, 1950, Part V, p. 88.

(2) Nothing in sub-section (1) shall prevent the Corporation from increasing the capital, as it may think fit, with the previous sanction of the Central Government.

Management.

5. (1) The General direction and administration of the Corporation and its affairs shall vest in the Board, which may exercise all powers and do all acts and things which may be exercised or done by the Corporation.

(2) The Board in discharging its functions shall act on commercial considerations and shall be guided on questions of policy involving the national interest (including commercial and industrial interest) by such directions as the Central Government, which shall be the sole judge whether the national interest is involved, may give it from time to time.

(3) If the Board fails to obey any direction as aforesaid the Central Government may remove the Directors, including the Chairman, and notwithstanding anything in section 6 appoint persons in their place to be Directors temporarily until fresh Directors are appointed under that section :

Provided that only the provisions of clauses (a), (b) and (c) of sub-section (2) of the said section shall apply to persons appointed under this sub-section to be Directors temporarily.

Appointment and term of office of Directors.

6. (1) The Board shall consist of five Directors to be appointed by the Central Government :

Provided that the first Board may, for so long as the Central Government sees fit, consist of three Directors.

(2) Each Director shall—

- (a) be a whole-time officer of the Corporation ;
- (b) perform such duties as the Board may by regulations assign to him ;
- (c) divest himself of any directorship or other interest held by him in any other Corporation, company or concern other than public companies sponsored by the Corporation under sub-section (2) of section 14 before assuming office as Director ;
- (d) hold office for a term of three years unless sooner removed by the Central Government and may be appointed thereafter for a further term or terms of such duration as the Central Government may in appointing him therefor, determine ; and
- (e) receive such salary and allowances as the Central Government may determine.

Chairman.

7. (1) The Central Government shall appoint one of the Directors to be Chairman of the Board.

(2) Subject to his continuing to hold office as a Director, the Chairman shall hold office as Chairman for a term of three years and subject as aforesaid shall remain

in office as Chairman thereafter until his successor in that office is appointed, and may, subject as aforesaid, be re-appointed to hold that office for a further like term or terms.

8. (1) No person shall be or shall continue to be a Director who— Disqualification of Directors.

- (a) is or at any time has been convicted of an offence involving moral turpitude ; or
- (b) is or at any time has been adjudicated insolvent ; or
- (c) is found a lunatic or becomes of unsound mind ; or
- (d) is or at any time has been disqualified by an order under the Public and Representative Offices (Disqualification) Act, 1949 ; or
- (e) is a minor.

(2) No Director shall continue in office after absenting himself from three consecutive meetings of the Board without the leave of the Chairman or, in the case of the Chairman, of the Central Government.

9. The Corporation may appoint such officers, advisers and employees as it considers necessary for the efficient performance of its functions on such terms and conditions as it may see fit. Appointment of officers, etc.

10. (1) The meetings of the Board shall be held at such times and such places as may be prescribed : Meetings of the Board.

Provided that until regulations are made in this behalf such meetings shall be convened by the Chairman of the Board.

(2) To constitute a quorum at a meeting of the Board—

- (a) so long as the first Board consists of three Directors, not less than two Directors shall be present, and
- (b) when the Board consists of five Directors not less than three Directors shall be present.
- (3) Each Director including the Chairman shall have one vote, and in the event of an equality of votes the Chairman shall have a second or casting vote.

(4) If for any reason the Chairman is unable to be present at a meeting, the Director so authorised by him in writing shall preside at that meeting, and in default of such authorisation the Directors present shall elect a Chairman to preside at that meeting.

11. The Corporation shall establish its head office in Karachi and shall, as soon as may be, establish an office in East Bengal. Head Office.

12. The Corporation may open a deposit account with the State Bank of Pakistan or with any Agency of the State Bank other than a Government Treasury or with the prior approval of the Central Government, with any other bank. Deposit account.

Investment
of funds.

13. The Corporation may invest its funds in any securities of the Central Government or a Provincial Government.

Business
which the
Corporation
shall
transact.

14. (1) The Corporation shall submit, for the approval of the Central Government, schemes for the establishment of the industries specified in the Schedule to this Act.

(2) The Corporation shall, as soon as may be, proceed to give effect to any scheme so approved by sponsoring public companies (hereinafter referred to in this section as "the aforesaid companies") incorporated under the Companies Act, 1913, and independent of each other and having as their object manufacturing undertakings in the industry concerned : VII of 1913

Provided that before sponsoring any said company the Corporation shall obtain the approval of the Central Government to the Company's capital structure.

(3) The Corporation shall, unless otherwise directed by the Central Government, act as Managing Agents for the aforesaid companies, and may, with the prior concurrence of the Central Government, relinquish the managing agency in favour of any company.

(4) Nothing in section 87A of the Companies Act 1913 shall apply to the Corporation.

VII of 1913.

(5) The Corporation shall be represented on the Board of Directors of the aforesaid companies.

(6) The Corporation may issue the capital required by the aforesaid companies for public subscriptions, and if any portion thereof remains unsubscribed for a period of four months from the date of issue, that portion shall be subscribed for by the Corporation on behalf of the Central Government.

(7) The Corporation may underwrite the whole or any portion of the share capital so issued.

(8) The Corporation shall, when it considers the time opportune, sell or transfer the shares subscribed for by it under sub-section (6) :

Provided that no such sale or transfer shall take place at a rate below the market quotation or below the par value of such shares without the previous sanction of the Central Government.

(9) The Corporation may, with the previous sanction of the Central Government and on such terms and conditions as may be approved by the Government, borrow in foreign currency from the International Bank of Reconstruction and Development or otherwise moneys required for development of industries specified in the Schedule to this Act.

15. The Corporation shall, with the previous approval Audit. of the Central Government, appoint its own auditors who shall be persons holding a certificate under section 144 of VII of 1913, the Companies Act, 1913.

16. A statement of its accounts audited by the auditors Accounts. referred to in the preceding section shall be furnished to the Central Government by the Corporation as soon as possible after the end of every financial year.

17. The Corporation shall, as soon as possible after the Annual end of every financial year, submit an annual report to the report. Central Government on the conduct of its affairs for that year, and on its proposals for the next ensuing financial year.

18. The Central Government shall lay before the Central Reports for the Legis-
Legislature, as soon as possible after the end of every financial year, the audited statement of accounts referred to in section 16 and the annual report referred to in section 17, together with such observations as the Central Government may see fit to make.

19. The Central Government may make rules not incon- Power of
sistent with this Act for the purpose of giving effect to the Central Govern-
provisions of this Act, and where the rules made under this ment to
section are inconsistent with the regulations made under the make rules.
next succeeding section the rules shall prevail.

20. (1) The Board may, with the previous sanction of the Power of
Central Government, make regulations not inconsistent with Board to
this Act to provide for all matters for which provision is make regu-
necessary or expedient for the purpose of giving effect to the lations.
provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

- (a) the meetings of the Board ;
- (b) the investment of the Corporation's funds ; and
- (c) the sale or transfer of shares under sub-section (8) of section 14.

21. All rules and regulations made under this Act shall Rules and
be published in the official Gazette, and shall come into regulations
force upon such publication and shall be laid thereafter as to be laid
soon as may be before the Central Legislature. before the
Legislature.

22. (1) The Central Government may from time to time Power to
by notification in the official Gazette amend the Schedule to amend
this Act so as to include therein or exclude therefrom any Schedule.
industry or vary the description of any industry included therein.

(2) No notification shall be made under sub-section (1) unless it has been laid in draft before the Central Legisla-
ture and has been approved by a resolution, whether with
or without modification or addition, but upon such
approval being given the notification may be issued in the
form in which it has been so approved.

SCHEDULE.

Jute.

Paper.

Heavy engineering other than shipbuilding.

Shipbuilding.

Heavy chemicals other than fertilizers.

Fertilizers.

ACT No. XLVI OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act to amend the Cantonments Act, 1924.

WHEREAS it is expedient to amend the Cantonments Act, 1924 for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Cantonments (Amendment) Act, 1950.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 18 of the Cantonments Act, 1924,—

Amendment
of section
18, Act II of
1924.

(a) for the word " Crown " the words " the Constitution of Pakistan " shall be substituted ; and

(b) for the form of oath the following form shall be substituted :—

" I,....., having become/been nominated/elected a member of this Board, do solemnly swear (or affirm) that I will bear true faith and allegiance to the Constitution of Pakistan as by law established and that I will faithfully discharge the duty upon which I am about to enter."

¹ For Statement of Objects and Reasons, see, *Gaz. of Pakistan*, 1950, pt. V, p. 188

ACT No. XLVII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 19th April, 1950.)

An Act to provide for the constitution and discipline of the Pakistan Army and Air Force Reserves.

WHEREAS it is expedient to consolidate and amend the law relating to the government and discipline of the Pakistan Army and Air Force Reserves ;

It is hereby enacted as follows :—

1. This Act may be called the Pakistan (Army and Air Force) Reserves Act, 1950. Short title and commencement.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

“prescribed” means prescribed by rules made under this Act ;

“Reserves” means the Reserves of the Pakistan Army or of the Royal Pakistan Air Force ;

“reservist” means a member of the Reserves.

3. (1) The Reserves shall consist of the categories specified in the Schedule to this Act. Division of Reserve Forces.

(2) The Central Government may, by notification in the Official Gazette, add to, amend or vary the Schedule to this Act.

4. An Army reservist shall be subject to the Indian Army Act, 1911, and the rules and regulations made thereunder and an Air Force reservist shall be subject to the Indian Air Force Act, 1932, and the rules and regulations made thereunder, in such manner and to such extent as may be prescribed. Liability of reservists to military or air force law.

5. A reservist shall be liable to serve without the limits of Pakistan as well as within those limits. Extent of liability for service.

6. (1) The Central Government may make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

- (a) provide for the constitution of, and the appointment or transfer of any person as a reservist to, the reserves ;
- (b) prescribe the service obligations to which reservists shall be liable ;
- (c) prescribe periodical training for any category of reservists ;
- (d) provide for and regulate the pay and allowances of reservists ;
- (e) prescribe the authorities by whom and the conditions subject to which the services of reservists may be terminated ;

¹ For Statement of Objects and Reasons see, Gaz. of Pakistan, 1950 Pt., V, p. 187.

(f) provide for and regulate the gratuities or compensation, if any, to be paid to reservists or any category of reservists, or to any dependents of reservists ; and

(g) provide for any other matter which under this Act is to be or may be prescribed.

(3) All rules made under this Act shall be published in the Official Gazette and on such publication shall have effect as if enacted in this Act.

power to
make
regulations.

7. In the case of Army reservists, the Commander-in-Chief of the Pakistan Army, and in the case of Air Force reservists, the Air Officer Commanding-in-Chief of the Royal Pakistan Air Force, may make regulations not inconsistent with this Act and rules made thereunder, providing generally for all details connected with the training, clothing, equipment and leave of reservists.

Amendment
of Act VIII
of 1911.

8. In section 2 of the Indian Army Act, 1911—

(i) the proviso to clause (a) of sub-section (1), and

(ii) the proviso to sub-section (2) shall be omitted.

Repeal of
Act IV of
1888.

9. The Indian Reserve Forces Act, 1888, is hereby repealed.

THE SCHEDULE.

A—The Pakistan Army—

- (i) The Pakistan Army Regular Reserve of Officers,
- (ii) The Pakistan Army Regular Reserve of Junior Commissioned Officers,
- (iii) The Pakistan Army Supplementary Reserve of Officers,
- (iv) The Pakistan Army Supplementary Reserve of Junior Commissioned Officers and Other Ranks,
- (v) The Regular Reserves of Other Ranks.

B—The Royal Pakistan Air Force—

- (i) The Pakistan Air Force Regular Reserve,
- (ii) The Pakistan Air Force Volunteer Reserve.

ACT XLVIII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 4th May, 1950.)

An Act to provide for the development and expansion of the Capital of the Federation and certain areas in its vicinity and the constitution of a Board of Trustees therefor.

WHEREAS it is expedient to make provision for the development and expansion of the Capital of the Federation and certain areas in its vicinity by opening up congested areas, laying out or altering streets, providing open spaces for purposes of ventilation or recreation, demolishing or constructing buildings, acquiring land for the same purposes and for the rehousing of persons displaced by the execution of development schemes, and otherwise as hereinafter appearing ;

AND WHEREAS it is expedient that a Board of Trustees should be constituted and invested with special powers for carrying out the objects aforesaid ;

It is hereby enacted as follows :—

CHAPTER I

PERLIMINARY.

1. (1) This Act may be called the Karachi Improvement Trust Act, 1950. Short title
application
and com-
mencement

(2) It extends to the whole of the Capital of the Federation.

(3) This section shall come into force at once, and the Central Government may by notification in the official Gazette direct, notwithstanding anything to the contrary in any other law for the time being in force in the Federal Capital and subject to the provisions of section 146, that the rest of this Act or any

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Part V, page 185.

part thereof shall come into operation in the whole or any part of the Capital on such date as may be specified in the notification.

Definitions. 2. (1) In this Act unless there is anything repugnant in the subject or context—

- (a) "betterment fee" means the fee prescribed by section 80 in respect of an increase in the value of land resulting from the execution of an improvement scheme ;
- (b) "Board" means the Board of Trustees constituted under section 4 ;
- (c) "Capital" means the Capital of the Federation ;
- (d) "Chairman" means the Chairman of the Board ;
- (e) "Corporation" means the Municipal Corporation of Karachi ;
- (f) "improved area" means any area which is under an improvement scheme under Chapter IV and "scheme" means an improvement scheme under that Chapter ;
- (g) "land" has the meaning assigned to it by clause (a) of section 3 of the Land Acquisition Act, 1894 ;
- (h) "local board" means the Karachi District Local Board constituted under the Bombay Local Boards Act, 1923 ;
- (i) "Municipal Act" means the City of Karachi Municipal Act, 1933 ;
- (j) "prescribed" means prescribed by rules made under this Act ;
- (k) "Secretary to the Board" means the person for the time being appointed by the Board to discharge the functions of Secretary to the Board ;
- (l) "Tribunal" means the Tribunal constituted under section 73 and, until it is constituted, the Chief Court of Sind on its original side ; and all references to the Tribunal shall be construed accordingly ;
- (m) "Trustee" means a member of the Board.

(2) All words and expressions not defined in this Act and defined in the Municipal Act shall have the meanings respectively assigned to them by that Act.

(3) All references to anything done, required, authorised, permitted, forbidden, or made punishable, or to any power vested, by or under this Act, shall include anything done, required, authorised, permitted, forbidden, or made punishable, or any power vested—

(a) by or under any scheme made under the provisions of this Act, or

Bombay Act
XVII of
1933.
Bombay Act
VI of 1923.

(b) by or under any provision of the Municipal Act or the Bombay Local Boards Act, 1923, which the Board has, by virtue of this Act, power to enforce.

CHAPTER II

THE BOARD OF TRUSTEES.

3. The duty of carrying out the provisions of this Act shall, subject to the restrictions and conditions therein contained, be vested in a Board of Trustees to be called "The Karachi Improvement Trust", and such Board shall be a body corporate and have perpetual succession and a common seal; and shall by the said name sue and be sued.

Creation of
and incorpora-
tion of the
Board.

4. The Board shall consist of thirteen Trustees as follows :

Constitution
of the
Board.

- (i) a Chairman to be appointed by the Central Government ;
 - (ii) a member to be elected in the prescribed manner by the Karachi Port Trust ;
 - (iii) a representative of the Karachi Cantonment Board to be nominated by the Central Government ;
 - (iv) the Chief Officer of the Karachi Municipal Corporation ;
 - (v) the Administrator of Karachi or an officer nominated by him with the previous approval of the Central Government ;
 - (vi) the Director General, Health, or a Health Officer nominated by him with the previous approval of the Central Government ;
 - (vii) two representatives of the Corporation being members of the Corporation to be elected in the prescribed manner by the Corporation :
- Provided that if at the commencement of this Act the Corporation has not been restored

to its functions, two persons shall be nominated by the Central Government to hold office under this clause as trustees until the Corporation upon being so restored elects the aforesaid two representatives.

Provided that if at the commencement of this Act the Corporation has not been restored to its functions, a person shall be nominated by the Central Government to hold office under this clause as trustee until the Corporation upon being so restored elects the aforesaid representative ;

- (viii) the Financial Adviser of the Board to be appointed by the Central Government under section 25 of the Act ;
- (ix) a member to be elected in the prescribed manner by the Karachi Joint Water Board ;
- (x) a member to be elected in the prescribed manner by all Chambers of Commerce in Karachi jointly ; and
- (xi) two members to be nominated by the Central Government.

Appoint-
ment and
election of
Trustees to
be notified.

5. The appointment of the Chairman and the election or appointment of the other Trustees shall be notified in the official Gazette.

Appoint-
ment in de-
fault of elec-
tion.

6. (1) If any Trustee to be elected under clause (ii), (vii) or (x), as the case may be, of section 4, is not elected within such time as may be prescribed, the Central Government shall by notification in the official Gazette appoint instead as Trustee a person who is a member of the Port Trust, the Corporation or of any of the Chambers of Commerce, as the case may be, and every person so appointed shall be deemed to be a Trustee duly elected under the appropriate clause.

(2) If the Corporation is dissolved, the Trustee elected under clause (vii) of section 4 or appointed instead under sub-section (1) of this section shall thereupon cease to be a member and the Central Government shall nominate to the vacancy a person who shall hold office as Trustee until the Corporation is restored to its functions.

Disqualifica-
tions for
election or
appoint-
ment as
Trustee.

7. (1) A person shall be disqualified for being elected or appointed or for being a Trustee, if he—

- (a) has been sentenced by a criminal court of competent jurisdiction to transportation or to imprisonment for a period exceeding six

months, such sentence not having been reversed or the offence pardoned :

Provided that the Central Government may direct in any particular case that such sentence shall not operate as a disqualification ;

- (b) is an applicant for being adjudged insolvent or is an insolvent or an uncertificated bankrupt or undischarged insolvent, or has entered into a composition with his creditors ;
- (c) has been dismissed or removed from the service of the Central Government or a Provincial Government or from the armed forces ;
- (d) has been removed from any roll of Advocates ;
- (e) has been bound over under Chapter VIII of the Code of Criminal Procedure, 1898 ;
- (f) holds any office other than that of the Chairman and the Financial Adviser or place of profit under the Board ;
- (g) has, directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract of employment with, by, or on behalf of, the Board ;
- (h) has been removed by the Central Government from his office of Trustee under this Act ; or
- (i) is a Director, or a Secretary, Manager or other salaried officer of any incorporated company or registered firm which has any share or interest in any contract or employment with, by, or on behalf of, the Board.

(2) No person shall be disqualified under clause (g) or clause (i) of sub-section (1) or be deemed to have any share or interest in any contract of employment with, by, or on behalf of the Board by reason only of the fact—

- (a) that he or the incorporated company or registered firm of which he is a Director, Secretary, Manager or other salaried officer has a share or interest in—
 - (i) any sale, purchase, lease or exchange of immovable property or any agreement for the same in which the Board is interested ;
 - (ii) any agreement for the loan of money, or any security for the payment of money in which the Board is interested ;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is published ;

(iv) the occasional sale to the Board, to an amount not exceeding two thousand rupees in any one financial year, of articles in which he or the incorporated company regularly trades.

(b) that he has a share or interest, otherwise than as Director or Secretary, Manager or other salaried officer, in any incorporated company which has any share or interest in any contract or employment with, by or on behalf of, the Board.

Resignation
of Trustees

8. A Trustee other than the Chairman, and the Chairman with the previous approval of the Central Government, may at any time resign his office by a letter addressed to the Central Government :

Provided that a resignation shall not take effect until it has been accepted by the Central Government.

Chairman
to be a
wholetime
officer.

9. The Chairman shall be a whole-time officer of the Board and shall not undertake for remuneration any work unconnected with his office.

Salary, etc.,
of the
Chairman.

10. The Chairman shall be paid from the funds of the Board such salary and allowances and shall be subject to such conditions of service as the Central Government may determine.

Absence of
Chairman.

11. (1) When the Chairman is granted leave of absence, the Central Government may appoint any person in the service of the Central Government or any Provincial Government to act as Chairman during his absence.

(2) Any person so appointed—

(a) shall be paid from the funds of the Board such salary and allowances as may be fixed by the Central Government ; and

(b) shall have all the powers and carry out all the duties of the Chairman and shall be subject to all the conditions and liabilities imposed upon the Chairman under this Act.

Temporary
Appointment
of
Chairman.

11A. (1) Notwithstanding anything in section 14 the Central Government may by notification in the official Gazette appoint a servant of the Central Government or of Provincial Government to act, in addi-

tion to his duties as such servant, as Chairman, if at any time there is no Chairman, for such period as may be specified in the notification.

(2) No appointment shall be made under subsection (1) for a period of more than six months in the first place, but the appointment may be renewed for further periods thereafter not exceeding three months at a time :

Provided that no such appointment shall last for more than twelve months continuously.

(3) Any person so appointed shall have all the powers and carry out all the duties of the Chairman and shall be subject to the conditions and liabilities imposed on the Chairman under this Act, but nothing in section 9 shall apply to him.

12. The Board may permit any Trustee, other than the Chairman, to absent himself from meetings of the Board for any period not exceeding such period as may be prescribed by the Central Government : Leave of absence to other Trustees.

Provided that the period to be prescribed by the Central Government shall not be less than four months.

13. (1) If at any time it appears to the Central Government that the Chairman has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, the Central Government may, by notification in the official Gazette, remove the Chairman from his office. Removal of Chairman and other Trustees.

(2) The Central Government may, by a like notification, remove any Trustee (other than a Trustee who is a representative of any body or authority referred to in section 4) from his office—

- (a) if, in the opinion of the Central Government, he has contravened the provisions of section 21, or
- (b) if he has, without the permission of the Board, been absent from the meetings of the Board for a period exceeding three consecutive months, or
- (c) if he has been absent from the meetings of the Board for any period exceeding the period prescribed under section 12, or
- (d) if he is a servant of the Central Government or any Provincial Government, and his continuance in office as a Trustee is, in the opinion of the Central Government, undesirable, or

- (e) if he, being a legal practitioner, acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person or acts or appears in any suit or other legal proceedings against the Board, or
- (f) if, in the opinion of the Central Government, he is unsuitable or has become incapable of acting or has refused to act as a Trustee, or has so abused his position as a Trustee as to render his continuance as such Trustee detrimental to the public interest :

Provided that before any action is taken against him under this sub-section he shall be informed of the action proposed to be taken and given an opportunity of showing cause why such action should not be taken, and if such action is taken the reasons therefor shall be placed on record.

(3) The Central Government shall, by a like notification, remove from office any Trustee other than a Trustee representing a body or authority referred to in section 4—

- (i) if he has become disqualified for being elected or appointed or for being a Trustee for any of the reasons mentioned in section 7 ; or
- (ii) if he was elected or appointed as a Trustee by virtue of being a member or any employee of a body or authority referred to in section 4, and if, at the date of such notification, he has ceased to be such member or employee.

(4) A Trustee removed under any of the provisions of clauses (a) to (e) of sub-section (2) shall be disqualified for election or appointment as a Trustee for a period of three years from the date of his removal unless otherwise ordered by the Central Government.

(5) A Trustee removed under clause (f) of sub-section (2) shall be ineligible for re-election until he is declared by an order of the Central Government to be no longer ineligible.

(6) The decision of the Central Government removing the Chairman or a Trustee under this section shall be final and shall not be called in question in any Court.

Term of office first Trustees, of 14. (1) The term of office of the first Trustees, including the Chairman and the Trustees representing the bodies or authorities referred to in section 4,

shall commence on such date as may be appointed by the Central Government in this behalf.

(2) Subject to the provisions of section 13, the term of office of Trustees, including the Chairman, but not including the Trustees representing the bodies or authorities referred to in section 4 shall be as follows :—

- (a) the Chairman—such period as may be fixed by the Central Government, not being less than three years and commencing, in the case of the first Chairman, on the date appointed under sub-section (1) and in the case of any subsequent Chairman on the date on which his appointment is notified ;
- (b) a Trustee appointed or elected in pursuance of section 15 in the place of a Trustee who has been permitted to absent himself from meetings of the Board—the period of the absence ;
- (c) other Trustees—three years, commencing in the case of the first Trustees on the date appointed under sub-section (1) and in the case of subsequent Trustees on the date on which their election or appointment is notified.

(3) A Trustee shall, if not disqualified for any of the reasons mentioned in section 7, be eligible for reappointment or re-election at the end of his term of office.

15. If any Trustee, other than a Trustee representing a body or authority referred to in section 4, is permitted by the Board to absent himself from its meetings for any period exceeding three months, or if any Trustee dies, or resigns his office, or is removed from office under section 13 the vacancy shall be filled within two months by a fresh appointment or election, as the case may be.

Filling of casual vacancies in certain cases.

CONDUCT OF BUSINESS.

16. (1) The Board shall meet, and shall make provision with respect to the place, day, hour, notice, management and adjournment of its meetings as it may think fit, subject as follows, namely :—

Meetings of Board.

- (a) an ordinary meeting shall be held at least once a month ;
- (b) the Chairman may whenever he thinks fit, and shall upon the written request of not

less than five other Trustees, call a special meeting ;

- (c) the Chairman shall attend every meeting of the Board unless absent on leave or prevented by sickness or other reasonable cause ;
- (d) no business shall be transacted at any meeting unless there are present at least half the number of Trustees then in office ;
- (e) every meeting shall be presided over by the Chairman and in his absence by a Trustee chosen by the meeting to preside for the occasion ;
- (f) all questions at a meeting shall be decided by a majority of the Trustees present and voting at the meeting, and in a case of equality of votes the person presiding shall have and exercise a second or casting vote ;
- (g) if a poll be demanded, the names of the Trustees voting, and the nature of their votes, shall be recorded by the person presiding ;
- (h) minutes of the proceedings at each meeting, together with the names of the Trustees present shall be recorded in a minutes book to be kept for the purpose and made open to inspection by any Trustee during office hours and such minutes shall be circulated at the next ensuing meeting and confirmed and signed by the person presiding thereat.

(2) No Trustee shall be entitled to object to the minutes of any meeting unless he was present at the meeting to which they relate.

The power
of Board to
co-opt
members.

17. (1) The Board may associate with itself, in such manner and for such period as may be prescribed, any person whose assistance or advice it may desire to have in carrying out its functions.

(2) A person so associated shall not be a member of the Board and shall have no right to vote at any meeting thereof, but he may take part in any discussion by the Board relating to any purpose for which he is associated with the Board.

Constitu-
tion and
functions of
Committees.

18. (1) The Board may appoint Committees consisting of such persons of any of the following classes as it may think fit, namely :—

- (i) Trustees ;
- (ii) persons associated with the Board under section 17 ;
- (iii) persons whose assistance or advice the Board may desire :

Provided that no Committee shall consist of less than three persons :

Provided further that every Committee shall have at least one Trustee as a member.

(2) The Board may—

- (a) refer to any Committee, for enquiry and report, any matter relating to any of the purposes of this Act, and
- (b) delegate to any Committee, by a special resolution and subject to any rules made in this behalf, any of the powers or duties of the Board relating to the subject for which that Committee is appointed.

(3) Every decision of a Committee shall be laid before the Board and the Board shall confirm, reject, or modify the same :

Provided that this sub-section shall apply only in so far as the Board has not delegated its powers or duties to the Committee under clause (b) of sub-section (2).

(4) The Board may at any time dissolve or, subject to the provisions of sub-section (1), alter the constitution of any Committee.

(5) Every Committee shall conform to any instructions given to it by the Board.

19. (1) A Committee appointed under section 18 may meet and adjourn as it thinks proper, but the Chairman, may, whenever he thinks fit, and shall, upon the written request of not less than two members thereof, call a special meeting of such Committee. Meetings of Committees.

(2) The Chairman may attend any meeting of a Committee whether he is a member of the Committee or not, and shall preside at every meeting at which he is present, and if the Chairman is absent from the meeting, one of the Trustees, or in the absence of a Trustee a member of the Committee, present and chosen by the Committee shall preside at the meeting.

(3) No business shall be transacted at any meeting of the Committee unless at least two members or more than half of the members of the Committee, whichever number is greater, are present.

(4) All questions at a meeting of the Committee shall be decided by a majority of the members present and voting, and in every case of equality of votes the person presiding shall have and exercise a second or casting vote.

20. Every trustee and person associated with the Board under section 17 or appointed to a committee under section 18, not being the Chairman, Financial Adviser or a servant of the Central or a Provincial Fee for attending meeting.

Government, shall be entitled to receive a fee of twenty rupees for every meeting of the Board or Committee—

- (a) at which a quorum is present and business is transacted ; and
- (b) at which he is present from the beginning to the end thereof or for such period as the person presiding at the meeting may consider sufficient to warrant the payment of the fee.

Trustees and associated members not to take part in matters in which they are personally interested,

21. (1) A Trustee who—

- (a) has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in subsection (2) of section 7 in respect of any matter, or
- (b) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid,

shall not vote or take any other part in any proceedings of the Board or any Committee relating to such matter.

(2) If any Trustee or any person associated with the Board under section 17 or any member of a Committee appointed under section 18 has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any improvement scheme framed under this Act, or in any area in which it is proposed to acquire land for any of the purposes of this Act,—

- (i) he shall, before taking part in any proceeding at a meeting of the Board or any Committee relating to such area, inform the person presiding at the meeting of the nature of such interest ;
- (ii) he shall not vote at any meeting of the Board or any Committee upon any resolution or question relating to such land ; and
- (iii) he shall not take any other part in any proceeding at a meeting of the Board or any Committee relating to such area, if the person presiding at the meeting considers it inexpedient that he should do so.

Contracts.

22. The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

23. (1) The Chairman shall forward to the Central Government a copy of the minutes of the proceedings of every meeting of the Board within ten days of the date on which the minutes are signed as provided by clause (h) of sub-section (1) of section 16. Supply of documents and information to Government.

(2) The Chairman shall, if so required by the Central Government, forward to it a copy of all papers laid before the Board at any meeting.

(3) The Central Government may require the Chairman to furnish it with—

- (a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Board, or
- (b) a report on any such matter, or
- (c) a copy of any document in the charge of the Chairman.

(4) The Central Government may, at any time, cause an investigation to be made by an officer appointed in this behalf into the affairs of the Board.

(5) The officer when making such investigation shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely :—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) receiving evidence taken on affidavit,
- (g) issuing commissions for the examination of witnesses ; and may of his own motion summon and examine any person whose evidence appears to him to be material, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

(6) The Central Government may issue such directions to the Board with respect to its powers and duties under this Act as it may deem fit and the Board shall obey all such directions.

OFFICERS AND SERVANTS.

24. (1) The Board shall maintain a statement showing— Statement of strength and remuneration of Staff.

- (a) the number, designations and grades of the officers and servants (other than employees

who are paid by the day or whose pay is charged to temporary work) employed by it,

- (b) the amount and nature of the salary, fees and allowances to be paid to each such officer or servant, and
- (c) the contributions payable under section 144 in respect of each such officer or servant.

(2) The statement maintained under sub-section (1), shall, so far as it relates to posts the monthly salary or the maximum monthly salary of which exceeds one thousand rupees, be subject to the previous sanction of the Central Government.

**Financial
Adviser.**

25. (1) The Central Government may appoint a person to be the Financial Adviser, and *ex officio* a Trustee, on such pay and allowances as it may fix, and assign to him such powers and duties as may be prescribed.

(2) The Board shall pay to the Financial Adviser such pay and allowances as are fixed by the Central Government under sub-section (1) and shall provide for his office such staff as the Central Government may direct.

(3) No proposal involving an abandonment of revenue or involving expenditure for which no provision has been made in the annual estimates of income and expenditure of the Board or to which, though provision has been made, proper sanction has not been accorded shall be brought forward for the consideration of the Board, nor shall any orders giving effect to such a proposal issue, without a previous reference to the Financial Adviser.

(4) Nothing in sub-clause (3) shall operate to prevent the Chairman or an officer of the Board from exercising any power of sanctioning expenditure or of appropriating funds—

- (i) which has been assigned to him by any general order of the Central Government or which is prescribed,
- (ii) to the exercise of which the Financial Adviser has declared that his consent may be presumed to have been given.

(5) Proposals and questions affecting the pay and allowances of any officer or employee of the Board or the application of financial rules to any such officer or employee, or respecting any expenditure by any Department of the Board shall be referred to the Financial Adviser.

(6) If the Financial Adviser does not agree with any proposal referred to him, the case shall be brought before a meeting of the Board for decision. If in the opinion of the Financial Adviser the case involves issues of grave importance or the scheme is financially unsound he may refer the matter to the Central Government and shall forward a copy of such communication to the Chairman.

26. (1) Subject to any rules for the time being in force, the power of making appointments and promotions to posts in the service of the Board, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct, and of discharging such officers and servants from the service of the Board for any other reason, shall be exercised by the undermentioned authorities—

Appointment, punishment and appeal.

- (a) in the case of posts the monthly salary or the maximum monthly salary of which does not exceed five hundred rupees and officers and servants holding such posts—the Chairman ;
- (b) in the case of posts the monthly salary or the maximum monthly salary of which exceeds five hundred rupees but does not exceed one thousand rupees and officers and servants holding such posts—the Board ; and
- (c) in the case of posts the monthly salary or the maximum monthly salary of which exceeds one thousand rupees and officers and servants holding such posts—the Board, subject to the previous sanction of the Central Government :

Provided that a servant of the Central Government or any Provincial Government of a local authority whose services have been lent to the Board shall not be so punished except by an authority which would have been competent to inflict such punishment if his services had not been so lent, and the Chairman or the Board, as the case may be, shall be entitled only to make a recommendation in that behalf to such authority.

(2) Against any order under sub-section (1) imposing any punishment on him, an officer or servant of the Board may appeal—

- (a) to the Board, if the order was passed by the Chairman, and
- (b) to the Central Government, if the order was passed by the Board,

(3) Against any order of the nature referred to in sub-section (2) passed by a person to whom the Chairman's power in that behalf has been delegated under the provisions of section 30, an appeal shall lie to the Board, unless the Chairman has himself revised the order of such person, in which case an appeal shall lie to the Board against the order of the Chairman.

(4) Upon hearing an appeal under clause (a) of sub-section (2) the Board may enhance the punishment, but an appeal shall lie to the Central Government against such enhancement.

CHAPTER III

POWERS AND DUTIES OF THE BOARD AND THE CHAIRMAN.

Duties of
the Board.

27. (1) It shall be the duty of the Board to frame and execute schemes under Chapter IV of this Act for the extension, development and improvement of the City, and the areas in its neighbourhood to which this Act is extended and in particular, to frame and execute such scheme for any area—

- (a) in respect of which the Central Government may by an order in writing direct the Board to frame and execute such scheme ;
- (b) in respect of which the Board may pass a resolution under section 34 that it is insamitary ;
- (c) within the limits of the City which in the opinion of the Board is not adequately provided with roads, water-supply, drainage, street-lighting or other amenities, necessary for its proper development ; and
- (d) outside the limits of the City which the Board considers suitable for suburban development.

(2) Where the Central Government has sanctioned an improvement scheme under section 51 for any area it shall be lawful for the Board to execute and maintain all works and carry out all operations in the said area required for the execution of any such scheme.

(3) As soon as may be after the commencement of this Act, the Central Government may place at the disposal of the Board any properties, movable or immovable, connected with or ancillary or appurtenant to any development or improvement scheme sanctioned by the Central Government before the commencement of this Act for Nazimabad hitherto known as the Golimar area or any other area and thereupon that scheme shall be deemed to be a scheme sanctioned by the Central Government under this Act and it shall

be lawful for the Board to execute and maintain all works and carry out all unfinished works and operations required for the execution of the same :

Provided that all expenditure incurred by the Central Government on any such scheme shall be deemed to be a loan of an equivalent sum by the Central Government to the Board and shall be repaid by the Board to the Central Government within such period and upon such terms as may be approved by the Central Government.

(4) The Central Government may, upon such terms as may be agreed upon between the Government and the Board, place at the disposal of the Board any properties or funds held by the Central Government or permit the Board to levy and retain duties which, immediately before the commencement of this Act, were leviable by the Central Government, and thereupon the Board shall hold such properties or funds and levy such duties in accordance with such terms.

28. Where the Central Government has sanctioned a scheme under section 51 all duties, powers, responsibilities and functions of the Corporation shall notwithstanding anything contained in the Municipal Act in respect of all works and operations required for the execution of such scheme vest in the Board.

Effect of the Board's power on certain local authorities.

29. The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Board, and subject to the provision of section 26 shall dispose of all questions relating to the service of the said officers and servants, and their salaries, allowances and privileges.

Control by Chairman.

30. (1) The Chairman may, by general or special order in writing, delegate to any officer of the Board any of the Chairman's powers, duties or functions under this Act or any rule made thereunder, except those conferred or imposed upon or vested in him by sections 16, 19 and 23 :

Delegation by Chairman.

Provided that—

- (a) the Chairman shall not delegate his powers under section 26 to make appointments to posts the maximum monthly salary of which exceeds one hundred rupees ;
- (b) the Chairman shall not delegate to any officer any of his powers under section 26 in respect of any employee of the Board, unless such employee was appointed by such officer by virtue of a delegation of the Chairman's power of appointment under that section.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to any such restrictions, conditions and limitations as may be laid down by the Chairman, and shall also be subject to his control and revision.

CHAPTER IV

IMPROVEMENT SCHEMES.

Power of Board to undertake works and incur expenditure for improvement, etc. 31. The Board may, subject to any general or particular directions of the Central Government, undertake any work and incur any expenditure for the improvement and development of any area to which this Act applies and for the framing and execution of such improvement schemes as it may consider necessary.

Matters to be provided for by improvement schemes. 32. An improvement scheme may provide for all or any of the following matters, namely :—

- (a) the acquisition by purchase, exchange or otherwise of any property or interest therein necessary for or affected by the execution of the scheme ;
- (b) the laying out afresh of any land comprised in the scheme ;
- (c) the re-distribution of sites belonging to owners of property comprised in the scheme ;
- (d) the closing, alteration or demolition of any dwelling or portion thereof unfit for human habitation ;
- (e) the demolition of any building or portion thereof unfit for the purposes for which it is being used or which obstructs light or air or projects beyond the building line ;
- (f) the demolition of any building inconsistent with the scheme ;
- (g) the construction and re-construction of any building by the Board or by the owner or by the Board on default by the owner ;
- (h) the sale, exchange, or disposal in any other manner of any property vested in or acquired by the Board ;
- (i) the construction and alteration of streets (including bridges, causeways and culverts) and back lanes ; and the provision of foot-paths and sidewalks ;
- (j) the levelling, paving, metalling, flagging, channelling, sewerage, and draining of the streets so constructed or altered, and provision therein for lighting and sanitary facilities ;
- (k) parks, playing-grounds and other open spaces for the benefit of persons residing in any area comprised in the scheme or any adjoining area and the extension of existing parks, playing-grounds and other open spaces, and approaches to the same ;
- (l) sanitation for the area comprised in the scheme, including the conservation of and prevention of injury or contamination to

(2) Every application for sanction under sub-section (1) shall be accompanied by—

- (a) a description of, and full particulars relating to, the scheme and complete plans and estimates of the cost of executing the scheme ;
- (b) a statement of the reasons for any modifications made in the scheme as originally framed ;
- (c) a statement of the objections, if any, received under section 45 ;
- (d) any representation received under section 46 ;
- (e) a list of the names of all persons, if any, who have objected under clause (b) of sub-section (2) of section 47, to the proposed acquisition of their land or to the proposed recovery of a betterment fee and a statement of the reasons given for such objections ;
- (f) a statement of the arrangements, if any, made or proposed by the Board for the rehousing of persons who are likely to be displaced by the execution of the scheme ; and
- (g) such other particulars as may be prescribed.

(3) When any application has been submitted to the Central Government under sub-section (1), the Board shall cause notice of the fact to be published weekly for two consecutive weeks in the official Gazette and in newspapers published in the Capital.

Power to sanction, reject or return improvement scheme.

50. (1) The Central Government may sanction, with or without modification, or may refuse to sanction, or may return for reconsideration, any improvement scheme submitted to it under section 49.

(2) If a scheme returned for reconsideration under sub-section (1) is modified by the Board, it shall be re-published in accordance with section 45 :—

- (a) in every case in which the modification alters the boundaries of the area comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired, and
- (b) in every other case, unless the modification is, in the opinion of the Central Government, not of sufficient importance to require republication.

Notification of sanction of improvement scheme.

51. (1) An order of the Central Government sanctioning an improvement scheme shall be published in the official Gazette and, except in the case of a deferred street scheme, a development scheme or a town expansion scheme, the Board shall forthwith proceed to execute the same.

47. (1) During the thirty days following the day on which the first notice required under section 45 in respect of any improvement scheme is first published, the Board shall serve a notice on—

Notice of proposed acquisition of land.

- (a) every person whose name appears in the assessment list of the Corporation or Cantonment Board as being primarily liable to pay property tax on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee,
- (b) every occupier (who need not be named) of premises entered in the assessment list of the Corporation or Cantonment Board which the Board proposes to acquire in executing the scheme, and
- (c) the occupier of any land within the jurisdiction of the local board in respect of which a local cess is payable under sections 93 and 95 of the Bombay Local Boards Act, 1923.

Bombay Act
VI of 1923.

(2) Such notice shall—

- (a) state that the Board proposes to acquire such land or to recover such betterment fee for the purpose of carrying out an improvement scheme, and
- (b) require such person or occupier, if he objects to such acquisition or to the recovery of such betterment fee, to state his reasons in writing within a period of sixty days from the service of the notice.

(3) Every such notice shall be signed by the Chairman or by a person authorised by him in that behalf.

48. The Chief Officer of the Corporation or Chairman of the Cantonment Board shall furnish the Chairman at his request with a copy of, or extracts from the assessment list of the Corporation or Cantonment Board on payment of such fees as may be prescribed.

Furnishing of copies or extracts from the assessment book of the Corporation, etc.

49. (1) After considering any objection and representation received in pursuance of sub-section (2) of section 45, section 46 and clause (b) of sub-section (2) of section 47 and after hearing all persons making any such objection or representation as may desire to be heard, the Board may either abandon the scheme by an order published in the official Gazette or proceed to execute the scheme if the total estimated cost does not exceed one lakh of rupees and specific provision therefor exists in the annual estimates of income and expenditure of the Board, or apply to the Central Government for sanction to the scheme if the total estimated cost exceeds one lakh of rupees, with such modifications as the Board may consider necessary.

Abandonment of improvement scheme, or application to Central Govt. to sanction it.

(3), it shall direct the Board to make a decision within such further period as the Central Government may think reasonable, or

- (b) if it considers that it is, in the circumstances, expedient that a scheme should forthwith be framed, it shall direct the Board to proceed forthwith to frame a scheme, and in giving such direction may prescribe the kind of scheme to be framed.

(5) The Board shall comply with every direction given by the Central Government under sub-section (4).

Matters to be considered when framing improvement schemes.

44. When framing an improvement scheme in respect of any area, the Board shall have regard to—

- (a) the nature and the conditions of neighbouring areas of the City as a whole ;
- (b) the directions in which the City appears likely to expand ; and
- (c) the likelihood of improvement schemes being required for other parts of the City.

Preparation, publication and transmission of notice as to improvement scheme and supply of documents to applicants.

45. (1) When any improvement scheme has been framed, the Board shall give notice thereof specifying—

- (a) the boundaries of the area comprised in the scheme, and
- (b) the place at which particulars of the scheme, a map of the area comprised in the scheme, and a statement of the land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee may be seen at reasonable hours.

(2) The Board shall—

- (a) cause the said notice to be published weekly for three consecutive weeks in the official Gazette and in newspapers published in the Capital specifying the period within which objections will be received, and
- (b) send a copy of the notice to the Chief Officer or Chairman of the aforesaid Corporation, Port Trust or Cantonment Board, as the case may be.

(3) The Chairman shall cause copies of all documents referred to in clause (b) of sub-section (1) to be delivered to any applicant on payment of the fee fixed by the Board.

Transmission to Board of representation by Corporation, etc. as to improvement scheme.

46. The Chief Officer of the Corporation to whom a copy of a notice has been sent under clause (b) of sub-section (2) of section 45 shall, within a period of sixty days from the receipt of the said copy, forward to the Board any representation which the Corporation thinks fit to make with regard to the scheme.

PROCEDURE TO BE FOLLOWED IN FRAMING AN
IMPROVEMENT SCHEME.

42. (1) An improvement scheme may be framed by the Board of its own motion, or on an official representation by the Corporation, the Karachi Port Trust or the Cantonment Board of Karachi, or on an order of the Central Government in writing.

(2) The official representation referred to in sub-section (1) may be made by the Corporation or Port Trust or Cantonment Board as aforesaid—

- (a) of its own motion, or
- (b) on a written application by its Chairman or Chief Officer, or
- (c) in respect of any area comprised in any ward of the City on a written application signed by twenty-five or more residents of such ward who are liable to pay property tax under the Municipal Act.

(3) If the Corporation, Port Trust or Cantonment Board as aforesaid decides not to make an official representation on any application made to it under clause (b) or clause (c) of sub-section (2), it shall cause a copy of such application to be sent to the Board with a statement of the reasons for its decision.

43. (1) The Board shall consider every official representation made under section 42, and, if satisfied, of the necessity for an improvement scheme on the lines recommended therein and of the sufficiency of its resources for executing such a scheme, it shall decide whether the scheme should be framed forthwith or not, and shall intimate its decision to the body which made the representation.

(2) If the Board decides that it is not necessary or that it is not expedient to frame any improvement scheme or to frame a scheme forthwith, it shall inform the aforesaid body of the reasons for its decision.

(3) If the Board fails, for a period of twelve months after the receipt of any official representation made under section 42, to intimate its decision thereon to the body which made the representation, or intimates a decision that it is not necessary or that it is not expedient to frame an improvement scheme forthwith or a decision to frame a scheme of a kind other than that recommended by the said body, the body may, if it thinks fit, refer the matter to the Central Government.

(4) The Central Government shall consider every reference made to it under sub-section (3), and—

- (a) if it considers that the Board ought, in the circumstances, to have made a decision within the period mentioned in sub-section

the Chairman in writing for a reference of his case to the Tribunal and the Chairman shall forthwith refer the case to the Tribunal and the decision of the Tribunal shall be final.

(9) When any scheme under this section is sanctioned by the Central Government, then notwithstanding anything contained in the Municipal Act the Corporation shall have no power to require the alignment of any street within the limits of the scheme, and any alignment previously required within such limits shall cease to be the alignment of the street.

Housing
accommoda-
tion scheme.

40. Whenever the Board is of opinion that it is expedient and for the public advantage to provide housing accommodation for any class of the inhabitants of any area, the Board may frame a scheme, to be called a "housing accommodation scheme".

Town ex-
pansion
scheme.

41. (1) Whenever the Board is of opinion that it is expedient and for the public advantage to control and provide for the future expansion or development of the City, the Board may and if so directed by the Central Government shall frame a scheme to be called a "town expansion scheme".

(2) Such scheme shall ordinarily be framed in respect of an area wholly without the limits of the City, but may, in special circumstances and with the previous sanction of the Central Government, be framed in respect of an area which lies wholly within, or partly within and partly without, the City:

Provided that the Central Government shall, before giving its sanction to any such scheme, satisfy itself that a development scheme under section 39 in respect of the area would not be suitable.

(3) Such scheme shall specify the proposed layout of the area to be developed and the purposes to which particular portions thereof are to be put.

(4) The provisions of clause (a) of sub-section (2) of section 49 shall not apply to a town expansion scheme under this section, but the Board shall supply to the Central Government such details as the Central Government may consider necessary.

(5) After any such scheme has been notified under section 51 no person shall, without the permission of the Board, erect, re-erect, add to, or alter any building or wall within the area comprised in the scheme.

(6) If the Board refuses to grant permission to any person to erect, re-erect, add to, or alter any building or wall on his land in the area aforesaid and does not proceed to acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

- (d) notwithstanding anything contained in the Municipal Act the Corporation shall have no power to require any alignment of a street within the limits of the scheme and any alignment previously so required within such limits shall cease to be the alignment of the street.

39. (1) In regard to any area to which this Act is applied the Board may, and if so directed by the Central Government shall, prepare a scheme of proposed public streets with plans showing, with reference to the locality to be developed and the purposes for which particular portions of such locality are to be utilised, the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable. Develop-
ment
scheme.

(2) When any such scheme has been notified under section 45 the street to which it refers shall be deemed to be a projected public street.

(3) No person shall, without the permission of the Board, erect, re-erect, add to, or alter any building, or wall so as to make the same project beyond the street alignment or beyond the building line shown in any plan so adopted.

(4) If the Board refuses to grant permission to any person to erect on his land any building or wall to project as aforesaid and if it does not proceed to acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

(5) When any building or wall projecting beyond or remaining behind the street alignment or building line shown in any plan adopted as aforesaid has fallen, or been demolished or burnt down, the Chairman may by written notice require or permit the same to be set back, or set forward, as the case may be from or towards the street alignment or building line.

(6) When any building or wall required under sub-section (5) to be set back or set forward is set back or set forward accordingly the Board shall make full compensation to the owner of the building or wall for any damage that he may sustain thereby.

(7) If the setting forward of any building or wall in pursuance of a notice under sub-section (5) brings within the precincts of the building or wall set forward any land belonging to the Board, the notice shall operate as a conveyance of such land to the owner of the building or wall on the terms and conditions specified in the notice.

(8) Any owner aggrieved by any term or condition aforesaid may within fifteen days of the communication to him of such term or condition apply to

It is not expedient immediately to acquire all or any of the properties lying between the existing alignments and the aforesaid new alignments, the Board, if satisfied as to the sufficiency of its resources, may pass a resolution to that effect, and shall proceed to make a scheme to be called a "deferred street scheme" and draw up an alignment for each side of the street.

(2) A deferred street scheme shall provide for—

- (a) the acquisition, within the time-limit specified in the scheme (which may be extended by the Central Government), of the whole or any part of any property lying within the improved alignments ;
- (b) the laying out afresh of all or any such property, including the construction and reconstruction of any building by the Board or by any other person, and the formation and alteration of any street ;
- (c) the draining, water-supply and lighting of any street so formed or altered.

(3) After a deferred street scheme has been sanctioned by the Central Government—

- (a) no person shall, except with the written permission of the Board, erect, re-erect, add to or alter any building or wall so as to make the same project beyond the improved alignment of the street ;
- (b) if the Board fails to acquire or to institute proceedings for the acquisition of any property within the improved alignment of any street within the time-limit specified in the scheme or extended by the Central Government, the owner of such property may at any time thereafter give the Board notice requiring it to acquire or to institute proceedings for the acquisition of such property before the expiration of six months from the date of such notice, and thereupon the Board shall itself acquire the property or institute proceedings to acquire the same, and if the Board fails itself to acquire the property or to institute the proceeding, it shall pay reasonable compensation to the owner for any damage sustained by him in consequence of such failure ;
- (c) before proceeding to acquire any property lying within the improved alignment of any street [other than property regarding which it has received a notice under clause (b)], the Board shall give six months' notice to the owner of its intention to acquire such property ;

36. The Board may frame re-housing schemes for the construction, maintenance and management of such and so many dwellings and shops as it may consider necessary for persons who—

- (a) are displaced by the execution of any improvement scheme sanctioned under this Act, or
- (b) are likely to be displaced by the execution of any improvement scheme which it is intended to frame, or to submit to the Central Government for sanction, under this Act.

37. (1) Whenever the Board is of opinion that, for the purposes of—

- (a) providing building sites, or
- (b) remedying defective ventilation, or
- (c) creating or improving new or existing means of communication and passage for traffic, or
- (d) providing better conservancy,

it is expedient to lay out new streets or alter existing streets (including bridges, causeways and culverts) in any area, the Board may pass a resolution to that effect, and shall then proceed to frame a street scheme for such area.

(2) A street scheme within the limits of the area comprised in the scheme may provide for the following matters :—

- (a) the acquisition of any land necessary in the opinion of the Board for its execution ;
- (b) the laying out afresh of all or any lands so acquired including the construction and reconstruction of buildings by the Board or by persons authorised by the Board in that behalf and the laying out construction and alteration of streets and thoroughfares ;
- (c) the draining, water-supply and lighting of streets and thoroughfares so laid out, constructed or altered ;
- (d) the raising, lowering or reclamation of any land vested in, or to be acquired by, the Board for the purposes of the scheme ;
- (e) the provision of open spaces for the better ventilation of the area comprised in the scheme ;
- (f) the acquisition of any land adjoining any street, thoroughfare, or open space to be formed under the scheme.

38. (1) Whenever the Board is of opinion that it is expedient for any of the purposes mentioned in section 37 to provide for the ultimate widening of any street by drawing up new alignments therefor but that

or is likely to result from—

- (i) the narrowness, closeness, or bad arrangement or condition of streets or buildings or groups of buildings in such area, or
- (ii) the want of light, air, ventilation or proper conveniences in such area, or
- (iii) any other sanitary defects in such area ; the Board may pass a resolution to the effect that such area is an insanitary area, and that a general improvement scheme ought to be framed in respect of such area, and shall then proceed to frame such a scheme.

Rebuilding Scheme.

35. (1) Whenever it appears to the Board that any area is an insanitary area within the meaning of section 34 and that it is not possible or not desirable to frame a general improvement scheme, and that having regard to the value of buildings in such area and of the sites on which they stand the most satisfactory method of dealing with the area or any part thereof is a re-building scheme, the Board may pass a resolution to that effect and shall then proceed to frame a scheme in accordance with the provisions of this section.

(2) A re-building scheme may provide for—

- (a) the reservation of streets, lanes, and open spaces, and open spaces to such extent as the Board considers necessary for the purposes of the scheme ;
- (b) the laying out afresh of the sites of the area upon streets, lanes or open spaces so reserved or enlarged ;
- (c) the payment of compensation in respect of any such reservation or enlargement, and the construction of streets, lanes and open spaces so reserved or enlarged ;
- (d) the re-construction, alteration or demolition of any existing building and its appurtenances by the owner, or by the Board in default of the owner and the erection of any building in accordance with the scheme by the said owner or by the Board in default of the owner, upon any site defined under the scheme ;
- (e) the advance to any owner, upon such terms and conditions as to interest, sinking fund and otherwise as may be provided under the scheme, of such sums as may be necessary to assist him to re-construct or alter an existing building or to erect a new building in accordance with the scheme ;
- (f) the acquisition by the Board of any site or building comprised in the area included in the scheme.

rivers and canals and other sources and means of water-supply ;

- (m) drains and sewers for the improvement of any ill-drained or insanitary locality ;
- (n) accommodation for any class of inhabitants ;
- (o) the advance of money for the purposes of this Act on such terms and conditions as may be prescribed ;
- (p) means of access and communication ;
- (q) the reclamation or reservation of land for market-gardens, for afforestation and to provide fuel and grass and supply the other needs of persons in the said area ;
- (r) the raising, lowering, levelling or reclamation of any land comprised in the scheme ;
- (s) the recovery of a betterment fee from owners of properties improved by the scheme ;
- (t) any other matter for which, in the opinion of the Central Government, it is expedient to make provision with a view to the improvement of any area comprised in the scheme or of any adjoining area for the general efficiency of the scheme.

33. An improvement scheme shall be of one of the Types of following kinds or a combination of any two or more improvement schemes of such kinds or of any special incidents thereof, namely :—

- (a) a general improvement scheme ;
- (b) a re-building scheme ;
- (c) a re-housing scheme ;
- (d) a street scheme ;
- (e) a deferred street scheme ;
- (f) a development scheme ;
- (g) a housing accommodation scheme ;
- (h) a town-expansion scheme ;
- (i) a transport scheme ;
- (j) a drainage and sewage disposal scheme ; or
- (k) a scheme for the re-distribution of sites.

34. Whenever it appears to the Board—

- (a) that, in any area, any buildings used or intended or likely to be used as dwelling places are unfit for human habitation, or General improvement schemes.
- (b) that danger to the health of the inhabitants of any building in any area, or of any building in the neighbourhood of such area results

(2) The publication of a sanction under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

52. At any time after an improvement scheme has been sanctioned by the Central Government and before it has been completed, the Board may alter it :

Alteration of improvement scheme after sanction.

Provided that—

- (a) if any alteration is considered likely to increase the estimated net cost of executing a scheme by more than five per cent., or by more than fifty thousand rupees, such alteration shall not be made without the previous sanction of the Central Government ;
- (b) if any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the Central Government the procedure mentioned in the foregoing sections of this Chapter shall, so far as applicable, be followed as if the alteration were a separate scheme ;
- (c) if any alteration renders any land not previously liable under the scheme to the payment of a betterment fee liable to such payment the procedure prescribed in sections 45, 47 and 49 shall, so far as applicable be followed in regard to such land.

53. The Board may at any time include in a combined scheme the improvement schemes framed or proposed to be framed for two or more areas.

Combination of improvement schemes.

54. (1) The Board shall, at the close of every half financial year, submit to the Central Government a list of all the schemes sanctioned under this Act, showing the progress made with respect to each scheme.

Submission of lists of schemes to Government.

(2) Such list shall be sent in the prescribed form and by the prescribed date.

55. (1) No street laid or altered by the Board shall be less than forty feet wide, if it is intended for vehicular traffic, or less than twenty feet wide, if it is intended for only pedestrian traffic :

Width of streets and levelling, etc., thereof.

Provided that—

- (i) the width of an existing street need not be increased to the minimum required by this sub-section if, in the opinion of the Board, such increase is impracticable ; and
- (ii) nothing in this sub-section shall apply to service passages for sanitation.

(2) In every street laid out or altered by the Board, the Board shall make provision for the levelling, paving, metalling, flagging, channelling, seweving and draining of the street and the provision therein of lighting, water and sanitary conveniences ordinarily provided in a municipality.

Transfer to the Board for purposes of improvement scheme of building or land vested in the Corporation, etc.

56. (1) Whenever any building, or any street, open space, or other land, or any part thereof, which—

- (a) is situated in the City and is vested in the Corporation, the Karachi Port Trust or the Karachi Cantonment Board, or
- (b) is situated in any area included within the jurisdiction of the local board in which this section is for the time being in force, and is vested in the local board,

is within the area of any improvement scheme and is required for the purposes of such scheme, the Board shall give notice accordingly to the Chief Officer of the Corporation or the Chairman of the Port Trust or the Cantonment Board or the executive authority of the local board, as the case may be, and such building, street, open space, other land or part thereof shall thereupon vest in the Board.

(2) Where any land situated in the City vests in the Board under the provisions of sub-section (1) and the Board makes a declaration that such land shall be retained by the Board only until it re-vests in the Corporation, Port Trust or Cantonment Board as part of a street or an open space under section 66, no compensation shall be payable by the Board to the Corporation, Port Trust or Cantonment Board in respect of that land.

(3) Where any land or building vests in the Board under sub-section (1) and no declaration is made under sub-section (2) in respect of the land, the Board shall pay to the Corporation, Port Trust, Cantonment Board or the local board, as the case may be, as compensation a sum equal to the market value of such land or building on the date of the publication of the notification under section 51, and where any building situated on land in respect of which a declaration has been made by the Board under sub-section (2) is vested in the Board under sub-section (1), like compensation shall be payable in respect of such building by the Board.

(4) If the Board, having made a declaration in respect of any land under sub-section (2), retains or disposes of the land contrary to the terms of the declaration so that the land does not vest in the Corporation, Port Trust or Cantonment Board, the Board shall pay to the Corporation, Port Trust or Cantonment Board compensation in respect of such land in accordance with the provisions of sub-section (3).

(5) If any question or dispute arises—

- (a) whether compensation is payable under sub-section (3) or sub-section (4), or
- (b) as to the amount of the compensation paid or proposed to be paid under sub-section (3) or sub-section (4), or
- (c) whether any building or street, or open space or other land, or any part thereof, is required for the purposes of the scheme,

the matter shall be referred to the Central Government whose decision shall be final.

57. (1) Whenever any street or open space or part thereof which is not vested in the Board or in the Corporation, Karachi Port Trust, Karachi Cantonment Board or in the local board is needed for executing any improvement scheme, the Board shall cause to be affixed in a conspicuous place in or near such street, open space or part a notice signed by the Chairman and—

Transfer of private street or open space to Board for purpose of improvement scheme.

- (a) stating the purpose for which the street open space or part is needed, and
- (b) declaring that the Board will, on or after a date to be specified in the notice, take over charge of such street, open space or part from the owner thereof,

and shall simultaneously send a copy of such notice to the owner.

(2) After considering any objection received in writing before the date specified under clause (b) of sub-section (1), the Board may take charge of such street, open space or part, and the same shall thereupon vest in the Board.

(3) When the Board alters or closes any street or open space or part thereof which has vested in it under sub-section (2), it shall pay reasonable compensation to the owner for the loss of his rights therein.

(4) If the alteration or closing of any street, open space or part causes damage or substantial inconvenience to any person who is an owner of property adjacent thereto or a resident in the neighbourhood, the Board—

- (i) shall forthwith provide some other reasonable means of access for the use of such person, and
- (ii) if the provision of such means of access does not sufficiently compensate him for such damage or inconvenience, shall also pay him reasonable compensation in money.

Provision of
drain or
waterwork
to replace
another si-
tuated on
land vested
in the Board
under sec-
tion 56 or
57.

58. (1) Where in any building, or street, open space or other land, or part thereof, referred to in section 56 or section 57, there is any drain, water-work, electric main or installation belonging to the Corporation, Port Trust, Cantonment Board or local board, such drain, water-work, electric main or installation shall not vest in the Board until the Board has provided, if such provision is necessary, another drain, water-work, electric main or installation to the satisfaction of the Corporation, Port Trust, Cantonment Board or local board concerned, as the case may be.

(2) If any dispute arises whether another drain, water-work, electric main or installation is necessary, or as to the sufficiency of any drain, water-work, electric main or installation provided by the Board under sub-section (1) such dispute shall be referred to the Central Government, whose decision thereon shall be final.

Bar to ap-
plication of
section 29
of the Muni-
cipal Act to
streets.

59. (1) Clause (18) of section 29 of the Municipal Act shall not apply to any street which is vested in the Board.

(2) Clause (1) of section 29 of the Municipal Act shall not apply when any drain vested in the Corporation is opened or broken up by the Board or when any public street is under construction by the Board.

Repair and
watering of
streets.

60. Whenever the Board allows any street vested in it to be used for public traffic it shall—

(a) as far as practicable, keep the street in good repair and do all things necessary for the safety and convenience of persons using it, and

(b) cause the street to be watered, if it considers necessary to do so for the public convenience.

Street re-
pairs to be
fenced and
lighted.

61. Whenever any drain in, or the pavement or surface of, any street vested in the Board is at any place opened or broken up by the Board for the purpose of carrying on any work, or whenever the Board allows to be used for public traffic any street which it has under construction and which is at any place only partly constructed, or not yet constructed, the Board shall cause the place to be fenced and guarded and to be sufficiently lighted during the night, and shall where necessary shore up and protect adjoining buildings, and shall with all convenient speed complete the said work, fill in the ground, and repair the said drains, pavement or surface, and carry away any rubbish occasioned by the aforesaid operations or complete the construction of the said street, as the case may be.

Power to
close streets
during re-
pairs.

62. (1) When any work referred to in section 61 is being executed by the Board in any public street vested in it, or when any other work which may lawfully be done is being executed by the Board in any street vested in it, the Board may direct that such

street shall, during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description.

(2) When any such direction has been given, the Board shall, after giving notice in newspapers published in the Capital of its intention to do so, set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as it may think proper for preventing or restricting traffic therein.

63. (1) When any work is being executed by the Board in any public street vested in it, the Board shall, so far as may reasonably be practicable, make adequate provision— Duty to provide alternative routes and amenities.

- (a) for the passage or diversion of traffic ;
- (b) for securing access to all premises approached from such street ; and
- (c) in respect of any drainage, water-supply or means of lighting interrupted by the execution of the work.

(2) The Board shall pay reasonable compensation to any person who sustains special damage by reason of the execution of any such work.

64. (1) The Board may—

- (a) turn, divert, discontinue the public use of, or permanently close, any public street vested in it or any part thereof, or
 - (b) discontinue the public use of, or permanently close, any open space vested in it or any part thereof.
- Powers of Board to turn or close public street or open space vested in it,

(2) Whenever the Board discontinues the public use of, or permanently closes, any public street vested in it, or any part thereof, it shall pay reasonable compensation to every person who was entitled, otherwise than as a member of the general public, to use such street or part as a means of access and has suffered damage from such discontinuance or closing.

(3) Whenever the Board discontinues the public use of, or permanently closes, any open space vested in it, or any part thereof, it shall pay reasonable compensation to every person—

- (a) who was entitled, otherwise than as a member of the general public, to use such open space or part as a means of access, or
- (b) whose immovable property was ventilated by such open space or part, and who has suffered damage—
 - (i) in case (a), from such discontinuance or closing, or

- (ii) in case (b), from the use to which the Board has put such open space or part or has allowed the same to be put.

(4) In determining the compensation payable to any person under sub-section (2) or sub-section (3), the Board shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street or open space at or about the same time that the public street or open space or part thereof, on account of which the compensation is paid, is discontinued, or closed.

(5) When any public street or open space vested in the Board, or any part thereof is permanently closed, the Board may, subject to such conditions as may be prescribed, sell, lease or otherwise dispose of, so much of the same as is no longer required.

(6) In this section and in section 66, the power to turn includes the power to alter the direction of traffic in that street, the gradient or levels of the street or of the sewers connected therewith.

Disputes to
be referred
to Tribunal.

65. (1) If any dispute arises—

- (a) between the Board and the previous owner of any street or open space or part thereof which has vested in the Board under section 57 and has been altered or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) of that section, or
- (b) between the Board and any person who was entitled, otherwise than as a member of the general public, to use as a means of access any street or open space thereof which has vested in the Board under section 57—
 - (i) whether the alteration or closing of such street, open space or part causes damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or
 - (ii) whether the other means of access provided or proposed to be provided under sub-section (4) of the said section 57 are reasonably sufficient, or
 - (iii) as to the sufficiency of any compensation paid or proposed to be paid under the said sub-section (4), or
- (c) between the Board and any person as to the sufficiency of any compensation paid or proposed to be paid to him under sections 35, 38, 39, 41, 63, 64 or 160,

the matter shall be determined by the Tribunal if referred to it by the Board or by the claimant within a period of three months from—

in case (a) or case (b)—the date on which the street or open space or part thereof was altered or closed by the Board, and

in case (c)—the date on which the said person was informed of the decision of the Board fixing the amount of compensation to be paid to him or rejecting his claim to compensation ;

and the determination of the Tribunal shall be final.

(2) If a reference to the Tribunal is not made within the period prescribed by sub-section (1), the decision of the Board shall be final.

(3) For the purpose of determining any matter referred to it under sub-section (1), the Tribunal shall have all the powers with regard to witnesses, documents and costs which it would have if the Land Acquisition Act, 1894, as modified by section 72 of this Act were applicable to the case.

I of 1894.

66. (1) Whenever the Corporation is satisfied—

Vesting of
streets to
Corpora-
tion.

(a) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the plans sanctioned by the Central Government under section 50, and

(b) that such lamps, lamp-posts and other things as the Corporation considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided, and

(c) that water and other sanitary conveniences ordinarily provided in the City have been duly provided in such street,

the Corporation shall, after informing the Board of its intention to do so, by written notice affixed in some conspicuous position in such street, declare the street to be a public street, and the street shall thereupon vest in the Corporation, and shall thenceforth be maintained, kept in repair, lighted and cleansed by the Corporation.

(2) When any open space for purposes of ventilation or recreation has been provided by the Board in executing any improvement scheme, it shall, on completion, be transferred to the Corporation by resolution of the Board, and shall thereupon vest in, and be maintained at the expense of the Corporation :

Provided that the Corporation may require the Board before any such open space is so transferred, to enclose, level, turf, drain and lay

out such space and provide footpaths therein and, if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Board and the Corporation in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Central Government whose decision shall be final.

Application of section 66 to local board.

67. If section 66 be applied, by notification under sub-section (2) of section 1 of this Act to any area in the neighbourhood of the City under the control of the local board, it shall be construed as if the references therein to the Corporation were references to such local board.

Power of Board to retain service passages.

68. Notwithstanding anything contained in section 66 or section 67, the Board may retain any service passage which it has laid out for sanitary purposes, and may enter into an agreement with the Corporation or any other person for the supervision repair, lighting and general management of any passage so retained.

CHAPTER V

ACQUISITION AND DISPOSAL OF LAND.

Power to purchase or lease by agreement.

69. The Board may enter into an agreement with any person for the acquisition from him by purchase, lease, or exchange, of any land which the Board is authorised to acquire, or any interest in such land.

Power to acquire land under the Land Acquisition Act, 1894.

70. The Board may, with the previous sanction of the Central Government, acquire land under the provisions of the Land Acquisition Act, 1894, for carrying out the purposes of this Act. I of 1894.

Tribunal to be constituted.

71. (1) The Central Government shall constitute a Tribunal as provided in section 73 for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board under the Land Acquisition Act, 1894. I of 1894.

(2) The Tribunal shall—

- (a) perform the functions of the Court with reference to the acquisition of land for the Board under the Land Acquisition Act, 1894 ; I of 1894. and
- (b) decide disputes referred to it under section 70.

Modification of the Land Acquisition Act, 1894.

72. For purposes relating to the acquiring of land by the Board under the Land Acquisition Act, 1894— I of 1894.

- (a) the said Act shall be subject to the modifications specified in the Schedule to this Act ; and

(b) in case a Tribunal is constituted under section 78—

- (i) the Tribunal shall (except for the purposes of section 54 of that Act) be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge thereof ;
- (ii) the President of the Tribunal shall have the power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a civil court under the Code of Civil Procedure, 1908, when trying a civil suit ; and
- (iii) the award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, 1894, and shall be final.

V of 1908

I of 1894.

73.(1) The Tribunal shall consist of a President and two assessors. Constitution
of Tribunal

(2) The President of the Tribunal shall be an officer who has for at least three years served as a District Judge, or held judicial office not inferior to that of a Subordinate Judge of the first Class.

(3) The President and the assessors of the Tribunal shall be appointed by the Central Government.

(4) No person shall be appointed or continue as a member of the Tribunal if he is a Trustee or is, for any of the reasons mentioned in section 7, disqualified for appointment as a Trustee.

(5) The term of office of each member of the Tribunal shall be three years, but any member may, subject to sub-section (4), be re-appointed at the end of that term.

(6) The Central Government may remove any member of the Tribunal from office on the ground of incapacity or misbehaviour, or for any other good and sufficient reason :

Provided that before action is taken under this sub-section the member shall be informed of the action proposed to be taken against him and give an opportunity to show cause why such action should not be taken against him.

(7) Every vacancy, whether permanent or temporary, in the office of member of the Tribunal shall be filled in accordance with the provisions of sub-section (3).

(8) All appointments made under this section shall be notified in the official Gazette.

Remuneration of members of Tribunal. 74. A member of the Tribunal shall be entitled to receive such remuneration, by way of salary or fees, or both, as may be prescribed.

Officers and servants of Tribunal. 75. (1) The President of the Tribunal shall maintain a statement showing—

- (a) the number and grades of the clerks and other officers and servants whom he employs for carrying on the business of the Tribunal,
- (b) the salary to be paid to each such officer and servant, and
- (c) the contributions payable under section 144 in respect of each such officer or servant who is in the service of the Central Government or a Provincial Government.

(2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the Central Government.

(3) The President of the Tribunal shall, with the previous sanction of the Central Government, make rules—

- (i) for regulating the grant of leave of absence, leave allowances and acting allowance to the officers and servants of the Tribunal :

Provided that a servant of the Central Government or a Provincial Government employed as an officer or servant of the Tribunal shall not be entitled to leave or leave allowance otherwise than in accordance with the conditions of his service under the Central Government or a Provincial Government relating to transfer to foreign service ;

- (ii) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers or servants of the Tribunal (other than any servant of the Central Government or a Provincial Government), in respect of whom a contribution is paid under section 144, to subscribe to such fund, at such rates and subject to such conditions as may be prescribed and, with the sanction of the Board, for supplementing such subscriptions out of the funds of the Board ;
- (iii) for determining the conditions under which the officers and servants of the Tribunal, or any of them, shall on retirement receive a gratuity or compassionate allowance and the amount of such gratuity and compassionate allowance ;

Provided that it shall be at the discretion of the Tribunal to determine subject to the previous sanction of the Central Government whether all such officers and servants or any and, if so, which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid.

(4) Subject to any rules made under sub-section (3) and for the time being in force, the power of making appointments and promotion to posts in the service of the Tribunal, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct and of discharging such officers and servants from the service of the Tribunal for any other reason, shall be exercised by the President of the Tribunal.

76. The amount necessary for the payment of remuneration, salaries, leave allowances and acting allowance in accordance with sections 74 and 75 shall be provided by the Board.

Payments
by Board on
account of
Tribunal

V of 1908. 77. (1) The President of the Tribunal may with the previous sanction of the Central Government, make rules not inconsistent with the Code of Civil Procedure, 1908, for the conduct of business by the Tribunal.

Power to
make rules
for
Tribunal.

(2) All such rules shall be published in the official Gazette.

I of 1884. 78. (1) For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act, 1894, as amended for the purposes of this Act—

Award of
Tribunal
how to be
determined.

- (a) if there is any disagreement as to the measurement of land, or the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail ;
- (b) questions relating to the determination of the persons to whom compensation is payable or the appointment of compensation may be tried and decided in the absence of the assessors if the President of the Tribunal considers their presence unnecessary, and when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal ; and
- (c) notwithstanding anything contained in the foregoing clauses, the decision on all questions of law and procedure shall rest solely with the President of the Tribunal.

(2) Questions as to the measurement of land or the amount of compensation or costs to be allowed under the award shall be decided in accordance with clause (a) of sub-section (1).

(3) Every award of the Tribunal, and every award made by the Tribunal for the payment of money, shall be enforceable by the Court of Small Causes, Karachi, as if it were a decree of that Court.

A abandon-
ment of
a acquisition
of special
Payment.

79. (1) In any case in which the Central Government has sanctioned the acquisition of land, in any area comprised in an improvement scheme, which is not required for the execution of the scheme, the owner of the land, or any person having an interest therein, may make an application to the Board, requesting that the acquisition of the land should be abandoned in consideration of the payment by him of a sum to be fixed by the Board in that behalf.

(2) The Board shall admit every such application if it—

(a) reaches them before the time fixed by the Collector, under section 9 of the Land Acquisition Act, 1894, for making claims in I of 1894. reference to the land, and

(b) is made by all persons who have interests in the land greater than a lease for years having seven years to run.

(3) If the Board decide to admit any such application, they shall forthwith inform the Collector ; and the Collector shall thereupon stay for a period of three months all further proceedings for the acquisition of the land, and the Board shall proceed to fix the sum in consideration of which the acquisition of the land may be abandoned.

(4) Within the said period of three months, or, with the permission of the Board, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894, the I of 1894. person from whom the Board has arranged to accept the sum so fixed may, if the Board is satisfied that the security offered by him is sufficient, execute an agreement with the Board, either—

(i) to pay the said sum three years after the date of the agreement, or

(ii) to leave the said sum outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at such rate not exceeding six per cent., per annum as the Central Government may fix by notification and to make the first annual payment of such interest four years after the date of the agreement :

Provided that the Board may, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition

I of 1894

Act, 1894, accept immediate payment of the said sum instead of an agreement as aforesaid.

(5) When any agreement has been executed in pursuance of sub-section (4), or when any payment has been accepted in pursuance of, the proviso to that sub-section in respect of any land, the proceedings for the acquisition of the land shall be deemed to be abandoned.

(6) Every payment due from any person under an agreement executed under sub-section (4) shall be a charge on the interest of that person.

(7) If any instalment of interest payable under an agreement executed in pursuance of clause (ii) of sub-section (4) is not paid on the date on which it is due, the sum fixed by the Board under sub-section (3) shall be payable on that date in addition to the said instalment.

(8) At any time after an agreement has been executed in pursuance of clause (ii) of sub-section (4), any person may pay off the charge created thereby, with interest, at the rate fixed under the provisions of that clause up to the date of such payment.

(9) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (4), no suit with respect to such agreement shall be brought against the Board by any other person except an heir, executor or administrator of the person first aforesaid claiming to have an interest in the land.

80. (1) When by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof is likely, in the opinion of the Board, to be increased in value, the Board, in framing the scheme, may in lieu of proceeding to acquire such land declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme. Payment of betterment fee.

(2) Such increase in value shall be the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of building exceeds the value of the land prior to the execution of the scheme estimated in the like manner, and the betterment fee shall be one-half of such increase in value.

(3) No betterment fee shall be payable by—

(a) the Central Government in respect of any land which is the property of, or is managed by, the Central Government ;

- (b) any local authority or any public institution in respect of any land belonging to such authority or institution if, and so long as, such land is used for public charitable or religious purposes.

Assessment
of better-
ment fee
by Board.

81. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall by a resolution passed in this behalf declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under clause (a) of sub-section (1) of section 47, or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 80.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required by sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Central Government.

Settlement
of better-
ment fee by
arbitrator.

82. (1) If the Central Government is satisfied after such inquiry as it deems fit that any arbitrator appointed under sub-section (4) of section 81 has misconducted himself, it may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or, in the opinion of the Central Government, neglects to perform or becomes incapable of performing his functions, the Central Government shall forthwith appoint another arbitrator.

(3) When the Arbitrator has made his award, he shall sign it and forward it to the Board, and such award shall, subject to the provisions of sub-section (4) be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award may, within three months from the date of the communication thereof, appeal to the Chief Judge of the Court of Small Causes, Karachi, whether the case arises within or outside the limits of the City, and the decision

of the said Chief Judge shall be final and conclusive and binding on all persons.

83. The Board shall pay to the arbitrator a fee to be determined by the Central Government in respect of the whole of the scheme in respect of which he arbitrates. ^{Fee for arbitrator.}

84. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed and communicate his award to the parties concerned : ^{Powers and duties of arbitrator.}

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by counsel or by an authorised agent.

V of 1908. (2) The arbitrator shall have all the powers of a civil court under the Code of Civil Procedure, 1908, when hearing a suit, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) All costs relating to proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full powers to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

X of 1940. (4) Nothing in the Arbitration Act, 1940, shall apply to any arbitration under this Act.

85. When all betterment fees payable in respect of land in the area comprised in the scheme have been determined under section 81 or section 82, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to pay the fee, fix a date by which such payment shall be made, and interest at the rate of six per cent. per annum upon any amount due and unpaid on last date shall be payable from that date. ^{Board to give notice to persons liable to payment of betterment fee.}

86. (1) Any person liable to pay a betterment fee in respect of any land may, at his option instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of six per cent. per annum, the first annual payment of such interest to be made one year from the date referred to in section 85. ^{Agreement to make payment of betterment fee a charge on land.}

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1) is not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment, and upon the payment of the said fee all further instalments shall cease.

(4) At any time after an agreement has been executed in pursuance of sub-section (1) any person may pay off the charge created thereby, with interest, at six per cent. per annum up to the date of such payment.

(5) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (1), no suit with respect to such agreement shall be brought against the Board by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

Recovery of money payable in pursuance of section 81, 82 or 86.

87. All money payable in respect of any land by any person in respect of a betterment fee under section 81 or section 82, or by any person under the agreement executed in pursuance of sub-section (1) of section 86 shall be recoverable by the Board (together with interest due, up to the date of realisation at the rate of six per cent. per annum) from the said person or his successor-in-interest in such land as an arrear of land revenue or in the manner provided by the Municipal Act for the recovery of taxes levied under that Act, and if the said money is not so recovered the Chairman may, after giving public notice of his intention to do so and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance, if any, to the defaulter.

Board to appoint persons for enforcement of dues.

88. The Board may direct by what authority any powers or duties incident under the Municipal Act, to the enforcement of any process for the recovery of taxes shall be exercised and performed when that process is employed under section 87.

Agreement or payment not to bar acquisition under a fresh declaration.

89. If any land in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 81 or has been made after its determination under section 82, or in respect of which an agreement regarding the betterment fee has been executed under section 86, is subsequently required for the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894.

1 of 1894

Power to dispose of land.

90. (1) The Board may retain, or may lease, sell, of exchange, rent or otherwise dispose of, any land vested in or acquired by it under this Act.

(2) Whenever the Board decides to lease or sell any land acquired by it under this Act from any person, it shall—

- (a) give notice by advertisement in newspapers published in the Capital, and
- (b) offer to the said person, or his heirs, executors or administrators, a prior right to take on lease or to purchase such land, at a rate to be fixed by the Board, if the Board considers that such an offer can be made without detriment to the carrying out of the purposes of this Act.

(3) If in any case two or more persons claim to have the prior right referred to in clause (b) of sub-section (2) preference shall be given to the person who agrees to pay for the land at the highest rate, not being a rate less than the rate fixed by the Board under that clause.

CHAPTER VI

FINANCE.

91. (1) The Corporation shall contribute to the Board every year by such date as may be prescribed such percentage of the proceeds of the property taxes realised by the Corporation during the previous financial year as the Central Government may determine. Annual contribution by the Corporation.

(2) If the Corporation fails to make the contribution referred to in sub-section (2), the Central Government may make an order directing the bank in which any moneys of the Corporation are deposited or the person in charge of the local Government Treasury or any other place of security in which the moneys of the Corporation are deposited, to pay such contribution from such moneys as may be standing to the credit of the Corporation in such bank or may be in the hands of such person or as may from time to time be received from or on behalf of the Corporation by way of deposit by such bank or person and such bank or person shall be bound to obey such order.

92. (1) The Board may with the prior approval of the Central Government borrow at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Central Government may determine, a sum necessary for the purpose of meeting expenditure debitable to the capital account under section 124. Powers of the Board to borrow.

(2) The Board shall have power to borrow money from the Central Government on such terms as may be approved by the Central Government.

Loans from
bank.

93. Whenever the borrowing of any sum of money has been approved by the Central Government, the Board may instead of borrowing such sum or any part thereof from the public take credit from any bank on a cash account to be kept in the name of the Board to the extent of such sum or part and with the previous sanction of the Central Government may grant mortgages of all or any property vested in the Board by way of security for such credit.

Diversion of
borrowed
money to
purposes
other than
those first
approved.

Form, signa-
ture, ex-
change
transfer
and effect
of debentures.

94. Whenever any sum of money has been borrowed by the Board for the purpose of meeting particular expenditure or of repaying a particular loan, no portion thereof shall be applied to any other purpose without the previous sanction of the Central Government.

95. (1) Whenever money is borrowed by the Board on debentures, the debentures shall be in such form as the Board, with the previous sanction of the Central Government, may determine.

(2) All debentures shall be signed by the Chairman and one other Trustee.

(3) The holder of any debentures in any form determined under sub-section (1) may obtain in exchange therefor upon such terms as the Board may determine, a debenture in any other form so determined.

(4) Every debenture issued by the Board shall be transferable by endorsement, unless some other mode of transfer is specified therein.

(5) No such debenture by reason only that it was issued before another such debenture shall confer on the holder any right preferential to that conferred by such other debenture.

Signature
of coupons
attached to
debentures.

96. Every coupon attached to debentures issued under this Act shall bear the signature of the Chairman, and such signature may be engraved, lithographed or impressed by any mechanical process.

Payment to
survivors
of joint
payees.

97. When any debenture or security issued under this Act is payable to two or more holders jointly and either or any of them dies, then notwithstanding anything in section 45 of the Contract Act, 1872, the debenture or security shall be payable to the holder or holders surviving : X of 1872.

Provided that nothing in this section shall affect any claim by the representative of a deceased person against the holder or holders surviving as aforesaid.

Receipt by
joint holder
for interest
or dividend.

98. Where two or more persons are joint holders of any debenture or security issued under this Act, any one of the holders may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of the holders.

99. All payments due by the Board for interest on loans or for the repayment of loans shall be made in precedence to all other payments due by the Board.

Priority of payments for interest and repayment of loans. Repayment of loans taken.

100. Every loan taken by the Board shall be repaid within the period approved by the Central Government and subject to the provisions of sub-section (2) of section 126 by such of the following methods as may be so approved, namely :—

- (a) from a sinking fund established under section 101 in respect of the loan, or
- (b) by paying equal yearly or half-yearly instalments of principal, or of principal and interest throughout the said period, or
- (c) if the Board has, before borrowing money on debentures, reserved by public notice a power to pay off the loan by periodical instalments and to select by lot the particular debentures to be discharged at particular period, then by paying such instalments at such periods, or
- (d) from money borrowed for the purpose, or
- (e) partly from the sinking fund established under section 101 in respect of the loan and partly from money borrowed for the purpose.

101. (1) Whenever the Central Government have approved the repayment of a loan from a sinking fund, the Board shall establish such fund and shall pay into it every year until the loan is repaid, a sum so calculated that, if regularly paid throughout the period approved by the Central Government it would with accumulations in the way of compound interest be sufficient, after payment of all expenses, to pay off the loan at the end of that period.

Establishment and maintenance of sinking funds.

(2) The rate of interest on the basis of which the sum referred to in sub-section (1) shall be calculated, shall be such as may be prescribed.

102. Notwithstanding anything contained in section 101, if at any time the sum standing at credit in the sinking fund established for the repayment of any loan is such that if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that section it will be sufficient to repay the loan at the end of the period approved by the Central Government then with the permission of the Central Government, further annual payments, into such fund may be discontinued.

Power to discontinue payment into sinking funds.

103. (1) All money paid into a sinking fund shall as soon as possible be invested under the orders of the Board in—

Investment of sinking fund.

- (a) Government securities, or
- (b) securities guaranteed by the Central Government or any Provincial Government, or
- (c) debentures issued by the Corporation, or

(d) debentures issued by the Trustees of the Port of Karachi, or

(e) debentures issued by the Board,

to be purchased in favour of the Secretary to the Government of Pakistan in the Ministry of Finance and the Accountant General, Pakistan Revenues, jointly under their official designations and held by them as trustees for the purpose of repaying from time to time the loans taken by the Board.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed in sub-section (1).

(3) Any investment made under this section may be realised and the proceeds thereof invested in the same or any other security or debenture mentioned in sub-section (1).

Application
of sinking
funds.

104. The two trustees referred to in sub-section (1) of section 103 may apply the securities of which they are trustees as aforesaid or any part thereof, in or towards the discharge of the loan or any part of the loan for which the sinking fund from which they were purchased was established, and until such loan is wholly discharged, shall not apply the same for any other purpose.

Annual
statements
by Trustees.

105. (1) The two trustees aforesaid shall at the end of every financial year transmit to the Chairman a statement showing—

- (a) the amount which has been invested during the year under section 103 ;
- (b) the date of the last investment made previous to the transmission of the statement ;
- (c) the aggregate amount of the securities held by them ;
- (d) the aggregate amount which has, up to the date of the statement, been applied under section 104 in or towards repaying loans ; and
- (e) the aggregate amount already paid into each sinking fund.

(2) Every such statement shall be laid before the Board and published in the official Gazette.

Annual ex-
amination
of sinking
funds.

106. (1) The Accountant General, Pakistan Revenues, shall examine the said sinking funds every year and ascertain whether the cash and the current value of the securities at credit in such funds are equal to the amount which would have accumulated had investments been regularly made and had the rate of interest originally estimated been obtained thereon.

(2) If upon such examination, the Accountant General, Pakistan Revenues, certifies that the cash and the current value of the securities at credit in any

such fund are less than the amount mentioned in sub-section (1) the Board shall forthwith pay the difference into that fund unless the Central Government sanctions such payment by instalments.

107. (1) If the Board fails to make payment in full of any loan taken from the Central Government or any interest or expense in respect thereof in accordance with the conditions of the said loan, the Central Government may instruct the Accountant General, Pakistan Revenues, if it deems it necessary, to make such payment and shall immediately recover the amount so paid by attachment in the manner prescribed of all the rents and other income of the Board.

Recovery of
loan from
the Board.

(2) If the Board fails to make payment in full of any loan other than that referred to in sub-section (1) or any interest or expense in respect thereof in accordance with the conditions of the said loan, the Board shall, and any creditor may report such failure to the Central Government who shall thereupon recover the amount due under the said loan by attachment in the manner prescribed of the rents and other income of the Board and the Central Government shall pay the amount so recovered to the creditor through the office of the State Bank of Pakistan at Karachi in such manner as may be prescribed.

(3) When action is taken under this section the provisions of section 5 of the Local Authorities Loans Act, 1914, shall with all necessary modifications be deemed to apply.

Act IX of
1914.

108. The Central Government may, notwithstanding anything in the Municipal Act, further impose or increase the property taxes on buildings and lands in the city referred to in section 97 of the Municipal Act to such an extent as may be necessary for the purpose of recovering a payment made under section 107.

Increase of
property
taxes.

109. (1) The Chairman shall at a special meeting held in the month of February in each year lay before the Board an estimate of the income and expenditure of the Board for the next financial year.

Estimates
of income
and expendi-
ture to be
laid
annually
before the
Board.

(2) Every such estimate shall make provision for the due fulfilment of all the liabilities and duties of the Board.

(3) Every such estimate shall differentiate between capital and revenue funds, and shall be prepared in such form, and shall contain such details, as the Central Government or the Board may direct.

(4) Every such estimate shall be completed and a copy thereof delivered to the Financial Adviser of the Board one month before the date of the meeting at which the estimate is to be laid before the Board.

(5) A note on the estimate shall be prepared by the Financial Adviser, and a copy thereof with a copy of the estimate shall be delivered at the usual address of each Trustee not less than ten clear days before the date of the meeting.

nction of
ard to
imate.

110. The Board shall consider every estimate so laid before it and may either sanction the same with or without such alteration as it may think fit or may return such estimate to the Chairman for further elucidation or modification.

approval of
ntial
vernment
estimate.

111. (1) Every such estimate, as sanctioned by the Board, shall be submitted to the Central Government which shall at any time within two months next after receipt of the same—

- (a) approve the estimate, or
- (b) disallow the estimate or any portion thereof and return the estimate to the Board for amendment.

(2) The Board shall forthwith proceed to amend accordingly any estimate if so returned to it and shall re-submit the estimate as amended to the Central Government which shall then approve it.

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112. A copy of every such estimate shall, when approved by the Central Government, be sent by the Board to the Chief Officer of the Corporation.

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ard.

113. (1) A special meeting of the Board shall be held as soon as may be after the day appointed under sub-section (1) of section 14 and the Chairman shall at each special meeting lay before the Board an estimate of the income and expenditure of the Board for that part of the financial year which on the said day has still to run.

(2) The provisions of sub-sections (2) to (5) of section 109 and of sections 110 to 112 shall apply to the said estimate.

applemen-
ry
timates.

114. (1) The Board may, at any time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before it at a special meeting.

(2) The provisions of sub-sections (2) to (5) of section 109 and sections 110 to 112 shall apply to every supplementary estimate.

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estimate
nd main-
nance of
osing
alance.

115. (1) No expenditure shall be incurred by or on behalf of the Board unless it is covered by a current budget grant or can be met by re-appropriation or by drawing on the closing balance at the end of the year.

(2) The closing balance shall not be reduced below such limit as may be fixed by the Central Government.

(3) The following shall be exempted from the provisions of sub-sections (1) and (2), namely :—

- (a) repayments of moneys belonging to contractors or other persons and held in deposit, and of money collected by or credited to the Board by mistake ;
- (b) payments due under a decree or order of a court or under an award of the Tribunal ;

- (c) sums payable under a compromise of any suit or other legal proceedings or claim effected under this Act ;
- (d) sums payable under this Act by way of compensation ; and
- (e) payments required to meet any emergency.

(4) Whenever any expenditure exceeding five thousand rupees is incurred under clause (e) of sub-section (3) the Chairman shall forthwith report the circumstances to the Central Government explaining how the Board proposes to cover the expenditure.

116. (1) All moneys at the credit of the Board shall be kept in the Government treasury.

Receipts of moneys and deposit in bank.

(2) All moneys payable to the Board shall be received by such officers of the Board as may be authorised in this behalf by the Chairman.

117. (1) Surplus money at the credit of the said account may from time to time be—

Investment of surplus money.

- (a) deposited at interest in the bank aforesaid ; or
- (b) invested in such securities or debentures as may be approved by the Central Government.

(2) All such deposits and investments shall be made by the Chairman on behalf of, and with the sanction of the Board ; and, with the like sanction, the Chairman may at any time withdraw any deposit so made, or realise any securities and redeposit or re-invest the money so withdrawn or realised.

118. (1) No payment shall be made by the bank out of the account referred to in section 117 except upon a cheque.

Payment to be by cheque.

(2) No payment of any sum due by the Board in excess of one hundred rupees shall be made except by a cheque.

119. All orders for making any deposit, investment, withdrawal or disposal under section 117, and all cheques referred to in section 118 shall be signed—

Signature of cheque.

- (a) by the Chairman and the Secretary to the Board, or
- (b) in the event of the illness or absence from the Capital of the Chairman or the Secretary, then by the Secretary or the Chairman, as the case may be, and by a Trustee other than the Chairman.

120. Before the Chairman or any other Trustee or the Secretary to the Board signs a cheque under section 119 he shall satisfy himself that the sum for which such cheque is drawn is required for a purpose or work specifically sanctioned by the Board or is an item of payment specified in sub-section (3) of section 115.

Procedure for signing cheque.

121. (1) The expression "cost of management" as used in the following sections in this chapter means—

- (a) the salary and house-rent and conveyance allowance (if any) of the Chairman or acting Chairman, and any other allowances and any contributions payable to or in respect of the Chairman or acting Chairman ;
- (b) the salaries, fees and allowances of and contributions paid under section 144 in respect of officers and servants of the Board referred to in section 24 ;
- (c) the remuneration of other employees of the Board except employees whose pay is charged to temporary work ;
- (d) all payments made under section 76 on account of the Tribunal ; and
- (e) all office expenses incurred by the Board or the Tribunal.

(2) The expression "office expenses" in clause (e) of sub-section (1) means expenses other than salaries and wages incurred in conducting the office, and includes the rent, the cost of furniture, and charges for printing and stationery.

Capital account and revenue account to be kept. 122. (1) The Board shall keep a capital account and a revenue account.

(2) The capital account shall show separately all expenditure incurred by the Board on each improvement scheme.

Credits to capital account. 123. There shall be credited to the capital account—

- (a) all sums (except interest) received by way of special payment or betterment fees under sections 79 and 80 ;
- (b) all moneys received on account of loans taken by the Board in pursuance of this Act ;
- (c) the proceeds of the sale of any land vested in the Board and purchased out of any such loan ;
- (d) where land is purchased out of an advance from the revenue account, the balance of the proceeds of the sale of such land remaining after crediting to the revenue account the amount of such advance ;
- (e) the proceeds of the sale of any movable property the cost of which was met from the capital account (including securities for money invested from the capital account) of the Board ;
- (f) all lump sums received from the Central Government in aid of the capital account ;

- (g) all premiums received by the Board in connection with a lease for any term exceeding thirty years ;
- (h) all sums which the Central Government may from time to time direct to be credited to the capital account under sub-section (2) of section 126 or otherwise ; and
- (i) all moneys resulting from the sale of securities by direction of the Central Government under section 127.

124. The moneys credited to the capital account shall be held by the Board in trust, and shall be applied to— Application of capital account.

- (a) meeting the cost of framing and executing improvement schemes ;
- (b) meeting the cost of acquiring land for carrying out any of the purposes of this Act ;
- (c) meeting the cost of constructing buildings required for carrying out any of the purposes of this Act ;
- (d) the repayment of loans borrowed in pursuance of this Act ;
- (e) making payments in pursuance of section 149 otherwise than for interest or for expenses of the maintenance or working of the means of transport ;
- (f) making, or contributing towards the cost of, surveys in pursuance of section 166 ;
- (g) meeting such proportion of the cost of management as may be determined by the Board with the approval of the Central Government ;
- (h) temporarily making good any deficit in the revenue account at the end of any financial year.

125. There shall be credited to the revenue account— Credit to revenue account.

- (a) all interest received in pursuance of sections 79, 86 and 87 ;
- (b) all sums contributed by the Corporation under section 91 ;
- (c) any grants received from the Central Government in aid of the funds of the Board ;
- (d) all payments of compensation received by the Board under section 161 and all fines levied under this Act or the rules made thereunder ;
- (e) all premiums received by the Board in respect of leases for any term not exceeding thirty years ;
- (f) all rents of land vested in the Board ; and

- (g) all other receipts by the Board which are not required by section 123 to be credited to the capital account.

Application
of revenue
account.

126. (1) The moneys credited to the revenue account shall be held by the Board in trust, and shall be applied to—

- (a) meeting all charges for interest and sinking fund due on account of any loan taken by the Board and all other charges incurred in connection with such loan ;
- (b) paying all sums due from the Board in respect of rates and taxes imposed under the Municipal Act upon land vested in the Board ;
- (c) maintaining any necessary separate establishment for the collection of the rents and other proceeds of land vested in the Board ;
- (d) paying the fees determined for arbitrators under section 83 ;
- (e) making such payments as the Central Government may direct to any auditor under section 132 ;
- (f) making payments in pursuance of section 149 for interest or for expenses of the maintenance of working of the means of transport ;
- (g) paying the cost of management, excluding such proportion thereof as may be debited to the capital account under clause (g) of section 124 ;
- (h) paying all other sums due from the Board, other than those which are required by section 124 to be disbursed from the capital account.

(2) Any balance left after making the payments referred to in sub-section (1) shall, subject to the maintenance of a closing balance as required by sub-section (2) of section 115, and except as provided in section 127, be invested in the manner provided in section 103 towards the service of any loans outstanding unless the Central Government otherwise directs.

Power to
direct sale
of securities
in which
any surplus
of revenue
account is
invested.

Advances
from
revenue
account to
capital
account.

127. If, at any time after any surplus referred to in sub-section (2) of section 126 has been invested, the Central Government is satisfied that the investment is not needed for the service of any loan referred to in that sub-section, it may direct the sale of the investment.

128. (1) Notwithstanding anything contained in section 126, the Board may advance any sum standing to the credit of the revenue account for the purpose of meeting capital expenditure.

(2) Every such advance shall be refunded to the revenue account as soon as may be practicable.

129. At the end of every financial year, the Board shall submit to the Central Government an abstract of the accounts of its receipts and expenditure of such year.

Submission of abstract of account to Central Govt.

130. The accounts of the Board shall be examined and audited once in every financial year by such auditor as the Central Government may appoint in this behalf.

Annual audit of accounts.

131. The said auditor may—

Powers of auditors.

- (a) by notice in writing require the production of any documents, the perusal or examination of which he believes necessary for the elucidation of the accounts ;
- (b) by notice in writing require any person who has the custody or control of any such document or who is accountable therefor to appear in person before him ; or
- (c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to furnish any statement relating thereto.

132. The Board shall pay to the said auditor such remuneration as the Central Government may direct.

Remuneration of auditor.

133. The said auditor shall—

Reports and information to be furnished by auditor to the Board.

- (a) report to the Board and to the Central Government any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Board, or in the accounts ;
- (b) furnish to the Board information as it may from time to time require concerning the progress of his audit ;
- (c) report to the Chairman any loss or waste of money or other property owned by or vested in the Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste ;
- (d) submit to the Chairman a final statement of the audit and a copy thereof to the Central Government within a period of three months from the end of the financial year, or within such period as the Central Government may allow in that behalf.

134. The Chairman shall cause the statement mentioned in clause (d) of section 133 to be printed and shall send a printed copy thereof to each Trustee and shall bring the statement before the Board for consideration at its next meeting.

Auditor's report to be considered by board

135. (1) It shall be the duty of the Board forthwith to remedy any defects or irregularities pointed out by the auditor.

Action on auditor's report.

(2) If the Board fails to remedy any such defects or irregularities it shall make a report to the Central Government explaining the reasons why such defects or irregularities have not been remedied.

(3) The Central Government after taking into consideration the explanation of the Board may issue such directions to the Board as it may deem fit, and the Board shall carry out all such directions.

Test and
special
audit.

136. Notwithstanding anything hereinbefore contained the Central Government may direct—

- (a) a test audit of the accounts of the Board by the Local Audit Department, and
- (b) a special audit of the accounts of the Board for any particular year.

Publication
and trans-
mission of
abstract of
the acc-
ounts.

137. As soon as practicable after the receipt of the report of the auditor, the Board shall publish in the official Gazette an abstract of the account to which it relates and send a copy of the abstract to the Central Government.

CHAPTER VII

RULES AND REGULATIONS.

Rules

138. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the Central Government may make rules for all or any of the following matters, namely :—

- (a) matters relating to elections to the Board not expressly provided for in this Act ;
- (b) the proceedings of the arbitrator referred to in section 84 ;
- (c) the fee payable for copies of, or abstracts from, the assessment books of the Corporation furnished to the Chairman ;
- (d) the conditions on which officers and servants of the Board or of the Tribunal may be appointed, reduced, suspended, discharged, removed or dismissed ;
- (e) the intermediate office or offices, if any, through which correspondence between the Board and the Central Government or their officers shall pass ;
- (f) the accounts to be kept by the Board, the powers of auditors in respect of disallowance and surcharge, and the recovery of sums disallowed or surcharged ;
- (g) the returns, statements, reports and accounts to be submitted by the Board ;
- (h) the mutual relations to be observed between the Board and other local authorities in any matter in which they are jointly interested ;

- (i) grants of the Central Government and the contribution payable by the Corporation ;
- (j) the execution of contracts on behalf of the Board, specifying authorities competent to sign the contract and the manner in which contracts may be executed ;
- (k) inviting tenders for the execution of contracts ;
- (l) obtaining securities from the contractors for the execution of the contracts ;
- (m) borrowing moneys for the Board on debentures or on the security of the property of the Board or otherwise and specifying the authorities competent to execute mortgage deeds or other instruments relating to loans ;
- (n) the repayment of loans and interest thereon and of debentures ;
- (o) the creation of a sinking fund for the repayment of loans and provision for contributions to such fund and for the investment and application of and other matters relating to such fund ;
- (p) depositing the moneys of the Board in any Bank or treasury and withdrawal of the same therefrom ;
- (q) maintaining accounts of the Board and furnishing copies thereof to the prescribed authorities ;
- (r) the application of the moneys of the Board for the purposes of this Act ;
- (s) auditing the accounts of the Board and the appointment of auditors therefor ;
- (t) the submission of the reports of the auditors, balance sheets, accounts, statements and other information to the Central Government and to other specified authorities.

139. The Board may, with the previous sanction of the Central Government, make regulations not inconsistent with this Act and with any rules made thereunder—

Power of the Board to make regulations.

- (a) in regard to all matters expressly required or allowed by this Act to be regulated by the Board ;
- (b) for associating members with the Board under section 17 ;
- (c) for appointing persons other than Trustees and persons associated with the Board under section 17 to be members of Committees under section 18 ;
- (d) for the delegation of powers or duties of the Board to Committees or to the Chairman :

- (e) for the guidance of persons employed by it under this Act ;
- (f) fixing the fees payable for copies of documents delivered by any of its officers and servants under this Act ;
- (g) for the management, use and regulation of dwellings constructed under any improvement scheme ;
- (h) regulating the erection, re-erection, and alteration of any building in any area covered by an improvement scheme ;
- (i) fixing the amount of security to be furnished by an officer or servant of the Board from whom it may be considered expedient to require such security ;
- (j) for the inspection of or entry upon or search of, any land or building for the purpose of discharging any duty imposed by this Act ;
- (k) for the charging of fees—
 - (i) for the use or occupation of any immovable property vested in, or entrusted to the management of, the Board, including any public street or place of which it allows the use or occupation, and
 - (ii) for any licence, sanction or permission which it is entitled to grant under this Act ; and
 - (iii) generally for carrying out the purposes of this Act.

Rules and regulations to be subject to previous publication.

140. The powers to make rules or regulations conferred by sections 138 and 139 is subject to the condition of previous publication.

141. (1) The Chairman shall from time to time have all rules or regulations made under section 138 or section 139 printed and put on sale to the public.

(2) The Chairman shall cause a notice to be published in papers published in the Capital specifying where and at what price the rules and regulations may be obtained.

Power of Govt. to amend regulations made under section 139.

142. (1) The Central Government may at any time amend, alter or annul any regulation made by the Board under section 139.

(2) Any such amendment, alteration or annulment shall be published in the official Gazette.

CHAPTER VIII

SUPPLEMENTAL PROVISIONS.

Trustees, etc., deemed to be public servants.

143. Every Trustee, every officer and servant of the Board, and every member, officer and servant of the Tribunal, shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

XLV of 1860

144. The Board shall pay such contributions for the leave allowances and pensions of any servant of the Central Government or a Provincial Government employed as Chairman or as an officer or servant of the Board, or as a member, officer or servant of the Tribunal, as may be required by the conditions of his service under the Central Government or a Provincial Government to be paid by him or on his behalf.

Contributions by Board towards leave allowances and pensions of servants of the Central Government or a Provincial Government employed under this Act.

145. (1) When any provision of this Act has been applied to any area under sub-section (3) of section 1, the Central Government may by notification in the official Gazette extend to such area the Municipal Act or such provisions thereof and subject to such modifications and restrictions, if any, as may be specified in such notification.

Power to extend the Municipal Act to areas near the City to which provisions of the present Act have been extended.

(2) When the Municipal Act or any provisions thereof are extended under sub-section (1) to any area—

Bombay Act
VI of 1923.

(a) the Bombay Local Boards Act, 1923, or the corresponding provisions thereof, as the case may be, if in force in such area shall be deemed to be repealed therein, and

(b) except as the Central Government may by notification in the official Gazette otherwise direct all rules, bye-laws, regulations, orders, directions and powers made, issued or conferred under the Municipal Act or any provisions thereof so extended, and in force at the date of such extension shall apply to the said area in supersession of all corresponding rules, bye-laws, regulations, orders, directions and powers, if any, made, issued or conferred under the Bombay Local Boards Act, 1923.

Bombay Act
VI of 1923.

146. (1) Before publishing a notification under sub-section (3) of section 1, or sub-section (1) of section 145, in respect of any area, the Central Government shall publish a draft of the same in the official Gazette.

Publication of notifications under sections 1 (3) and 145 (1) in draft for criticism.

(2) Any ratepayer or inhabitant of such area who objects to the draft may within six weeks of the publication of the notification aforesaid, submit his objection in writing to the Central Government and the Central Government shall consider it.

147. In any area to which this Act applies, the Central Government may by notification in the official Gazette declare that from such date as may be specified therein the Corporation shall not exercise or discharge any powers or functions under the Bombay Town-Planning Act, 1915, and that subject to such restrictions and modifications, if any, as may be specified in the notification, the powers and functions of the Corporation, under the said Act shall be exercised and discharged by the Board:

Board may in certain circumstances exercise powers of Corporation under the Bombay Town Planning Act, 1915.

Bombay Act
I of 1915.

Provided that if the Corporation deems it necessary that the Board should take action under any of the provisions of the said Act, it may request the Board to take such action, and the Board shall except as hereinafter provided comply with such request, and if the Board does not comply with such request it shall state the reasons therefor and shall submit the matter to the Central Government whose decision shall be final.

Board and
Chairman
to exercise
powers and
functions
under the
Municipal
Act.

148. (1) In any area in respect of which an improvement scheme is in force, the Central Government may by notification declare that for the period during which such scheme remains in force and subject to such restrictions and modifications as may be prescribed—

- (i) the powers including the powers to levy taxes, and functions of the Corporation or the Standing Committee thereof under the Karachi Municipal Act shall be exercised and discharged by the Board ; and
- (ii) the powers and functions of the Chief Officer of the Corporation under the said Act shall be exercised and discharged by the Chairman.

(2) The Board or the Chairman may delegate any function exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(3) The exercise or discharge of any power or function delegated under sub-section (2) shall be subject to such limitations, conditions and control as may be laid down by the Board or the Chairman, as the case may be.

Powers of
the Board
for facilitat-
ing move-
ment of the
population.

149. To facilitate transport and communications in and around the City, the Board may—

- (i) subject to any conditions it may think fit to impose—
 - (a) guarantee the payment, from funds at its disposal, of such sums as it may think fit, by way of interest or capital expended on the construction, maintenance, or working of means of transport ; or
 - (b) make such payments as it may think fit from the said funds, by way of subsidy to persons undertaking to provide, maintain and work means of transport ; or
- (ii) by itself or in combination with any other person, construct, maintain and work any means of transport, under the provisions of any law applicable thereto ; or
- (iii) construct, or widen, strengthen or otherwise improve bridges :

Provided that no guarantee or subsidy shall be made under clause (i), and no means of transport shall be constructed, maintained or worked under clause (ii), without the previous sanction of the Central Government.

150. Nothing in this Act shall affect the operation of the Telegraph Act, 1885, or the Railways Act, 1890, or the Electricity Act, 1910.

Saving of
Telegraph,
Railways
and Elec-
tricity Acts.
Cognizance
of offences.

151. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act or any rule thereunder shall, wherever committed, be tried by an Additional District Magistrate, Karachi (hereinafter called the Additional District Magistrate).

V of 1898.

152. (1) No person shall be tried for an offence under this Act or any rule thereunder except on the complaint of such offence made to the Additional District Magistrate within six months of the commission thereof.

(2) When any person accused of an offence under this Act or any rule made thereunder which is punishable with fine only fails to appear before the Additional District Magistrate, the Additional District Magistrate may notwithstanding anything in the Code of Criminal Procedure, 1898, thereupon determine the case in his absence.

V of 1898.

153. The Chairman may, subject to the control of the Board,—

Powers of
Chairman
as to institu-
tion, compo-
sition, etc.,
of legal
proceedings
and obtain-
ing legal
advice.

- (a) institute, defend or withdraw from, any legal proceedings under this Act or the rules thereunder ;
- (b) compound any offence against this Act or the rules thereunder which, under any law for the time being in force under the said rules may lawfully be compounded ;
- (c) admit, compromise or withdraw any claim made under this Act or the rules thereunder ; and
- (d) obtain such legal advice and assistance as he may think it necessary or expedient to obtain, or as he may be desired by the Board to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or servant of the Board.

154. No suit, prosecution or the proceedings shall lie against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, for anything in good faith done or intended to be done under this Act or the rule, direction or order made thereunder.

Indemnity
to Board,
etc.

Notice of
suit against
Board, etc.

155. (1) No suit shall be instituted against the Board or any member or any person associated with the Board under section 17, or against any member of a Committee appointed under section 18 or against any servant of the Board or against any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of any act purporting to be done under this Act or the rules thereunder until the expiration of one month from the delivery of a written notice at the Board's office or the place of abode of such member, officer, servant or person, stating the cause of action, the name and place of the intending plaintiff, and the nature of the relief sought.

(2) In every such suit the plaint shall contain a statement that such notice has been so delivered or left.

(3) Notwithstanding anything in the Limitation Act, 1908, no such suit as is described in sub-section **(1)** shall, unless it is a suit for the recovery of immovable property or for a declaration of a title thereto, be commenced otherwise than within six months next after the accrual of the cause of action. IX of 1908.

Cooperation
of the
police.

156. (1) The Senior Superintendent of Police, Karachi, and his subordinates shall aid the Chairman in carrying into effect and enforcing the provisions of this Act.

(2) It shall be the duty of every police officer who is subordinate to the said Senior Superintendent of Police to aid the Chairman or any officer or servant of the Board reasonably demanding his aid for the lawful exercise of any power vested in the Chairman or in such officer or servant under this Act or the rules thereunder.

(3) For the purpose of enforcing the provisions of this Act or the rules or regulations thereunder, the Chairman may at any time convene a joint meeting of representatives of the Board, the Corporation, and the said Senior Superintendent of Police.

Arrest of
offenders.

157. (1) Every police officer shall arrest any person who commits, in his view, any offence against this Act or the rules thereunder, if the name and address of such person be unknown to him, and if such person on demand declines to give his name and address, or gives a name or address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or for any longer time than is necessary for bringing him before a magistrate and in no case shall such detention exceed twenty-four hours from time of arrest without the orders of a magistrate.

(3) On the written application of the Chairman, any police officer above the rank of a constable shall arrest any person who obstructs any officer or servant

of the Board in the exercise of any of the powers conferred by this Act or any rule made thereunder.

158. (1) Whenever under this Act or the rules thereunder, the doing of a thing or the omission to do a thing or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

Proof of consent, etc., of Board or Chairman or officer or servant of Board.

(a) the Board or the Chairman, or

(b) any officer or servant of the Board,

a written document, signed in case (a) by the Chairman, and in case (b) by the said officer or servant, conveying or setting forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

159. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

Validation of acts and proceedings.

(a) the existence of any vacancy in, or any defect in the constitution of, the Board, or any Committee ; or

(b) any person having ceased to be a Trustee ; or

(c) any Trustee, or any person associated with the Board under section 17, or any other member of a Committee appointed under this Act, having voted or taken any other part in any proceeding in contravention of section 21 ; or

(d) the failure to serve a notice under section 47 on any person, where no substantial injustice has resulted from such failure ; or

(e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board, the minutes of the proceedings of which have been duly signed as prescribed in clause (h) of section 16, shall be deemed to have been duly convened and to be free from all defect and irregularity.

160. In any case not otherwise expressly provided for in this Act, the Board may pay reasonable compensation to any person who sustains damage by reason of any exercise of the powers vested by or under this Act in the Board or the Chairman or any officer or servant of the Board.

General power of Board to pay compensation.

161. (1) If, on account of any act or omission, any person has been convicted of any offence against this Act or any rule made thereunder and, by reason of the same act or omission of the said person, damage has been caused to any property of the Board, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

Compensation to be paid by offenders for damage caused by them.

(2) Any dispute as to the amount of such compensation shall be determined by the Additional District Magistrate.

(3) If the amount of any compensation payable under this section be not paid, the same shall be recovered under a warrant issued by the Additional District Magistrate as if it were a fine imposed by him on the said person.

Public notices how to be made known.

162. Every public notice given under this Act or the rules thereunder shall be in writing signed by the Chairman and shall be made known to the locality to be affected thereby in not less than two of the following three ways—

- (a) by affixing copies thereof conspicuously in public places within the said locality,
- (b) by publishing the same by beat of drum, or
- (c) by advertisement in newspapers published in the Capital,

and by any other means if the Chairman thinks fit.

Newspapers in which advertisement or notice to be published.

163. Whenever it is provided by this Act or any rule made thereunder that notice shall be given by advertisement in newspapers published in the Capital, or that a notification or any information shall be published in newspapers, such notice, notification or information shall be inserted, if practicable, in four newspapers.

Stamping signature on notice or bills.

164. (1) Every notice or bill required by this Act or the rules thereunder to be signed by the Chairman or any other Trustee or any officer or servant of the Board, shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairman or of such other Trustee or of such officer or servant, as the case may be, stamped thereupon.

(2) Every notice other than a public notice, and every bill issued by the Board under this Act, shall, unless it is otherwise provided, be served or presented in duplicate and the person concerned shall keep one part and sign and return the counterpart thereof to the Board.

(3) No notice issued by the Board under this Act shall be invalid by reason only of a defect in form.

Service how to be effected.

165. When any notice, bill or other document is required by this Act or any rule made thereunder to be served upon or issued or presented to any person, such service, issue or presentation shall be effected—

- (a) by giving or tendering the document to him ;
or
- (b) if he is not found, by leaving the document at his last known place of abode or by giving or tendering the same to some adult male member or servant of his family ; or

- (c) if he does not reside in the City and his address elsewhere is known to the Chairman, by forwarding the document to him by registered post under cover bearing the said address ; or
- (d) if none of the methods mentioned in the preceding clauses can be used, by causing a copy of the document to be affixed on some conspicuous part of the building or land (if any) to which it relates.

166. The Board may—

- (a) collect all such information and statistics as may be necessary for carrying out the purposes of this Act ;
- (b) cause a survey of any land to be made, whenever it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act, or
- (c) contribute towards the cost of the collection of any such information, or statistics, or any such survey, made by any other local authority.

Power to make surveys, or contribute towards their cost.

167. (1) The Chairman or any person either generally or specially authorised by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order—

Power of entry.

- (a) to make any inspection, survey, measurement, valuation or inquiry,
- (b) to take levels,
- (c) to dig or bore into the sub-soil,
- (d) to set out boundaries and intended lines of work,
- (e) to mark such levels, boundaries and lines by placing marks, and cutting trenches, or
- (f) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Act or the rules made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder ;

Provided that—

- (a) no such entry shall be made between sunset and sunrise ;
- (b) no dwelling house, and no public building or hut which is used as dwelling place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours' previous written notice of the intention to make such entry ;

- (c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove themselves to some part of the premises where their privacy will not be disturbed ;
- (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) Whenever the Chairman or a person authorised under sub-section (1) enters into or upon any land in pursuance of that sub-section, he shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid ; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose decision shall be final.

Punishment for acquiring share or interest in contract etc.; with the Board.

168. If any Trustee or any officer or servant of the Board knowingly acquires, directly or indirectly, by himself or by any partner, employer or employee otherwise than as such Trustee, officer or servant, any share or interest in any contract or employment with, by, or on behalf of, the Board (not being a share or interest which, under sub-section (2) of section 7, it is permissible for a Trustee to have without being thereby disqualified for being appointed or for being a Trustee), he shall be deemed to have committed an offence punishable under section 168 of the Pakistan Penal Code.

XLV of 1860.

Penalty for removing fence, etc., in street.

169. If any person, without lawful authority—

- (a) removes any fence or shoring timber, or removes or extinguishes any light, set up under section 61, or
- (b) infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 62—

he shall be punishable with fine which may extend to fifty rupees.

Penalty for building within street alignment of building line.

170. (1) If any person, without the permission of the Board, erects, re-erects, adds to or alters any walls or building so as to make the same project into the street alignment or beyond the building line prescribed by any deferred street scheme, development scheme or town expansion scheme, he shall be punishable—

- (a) with fine which may extend, in the case of a wall or masonry building, to five hundred rupees, and in the case of a hut, to fifty rupees; and

- (b) with further fine which may extend, in the case of a wall or masonry building, to one hundred rupees, and in the case of a hut, to ten rupees for each day after the first during which the projection continues.
- (2) (a) The owner for the time being of the wall or building so erected, re-erected, added to or altered, may be required by a written notice issued by the Chairman to stop further work on such wall or building and to alter or demolish the same in such manner and within such time as may be specified in the notice.
- (b) Where the alteration or demolition directed by any such notice is not carried out as directed therein, the Chairman may cause the wall or building or portion thereof to be altered or demolished, as the case may be, and he may recover the expenses incurred in so doing from the owner for the time being in such manner as may be prescribed.

171. If any person fails to comply at once with any requisition under this Act he shall be punishable— Penalty for failure to comply with requisition made by auditor

- (a) with fine which may extend to one hundred rupees, or
- (b) in case of a continuing failure, with fine which may extend to fifty rupees for each day after the first during which the failure continues.

172. Whoever—

- (a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Board in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule made thereunder, or Penalty for obstructing contractor removing marks.
- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act or any rule made or scheme sanctioned thereunder,

shall be punishable with fine which may extend to two hundred rupees.

173. Whoever contravenes any provision of this Act or of any rules made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable— Penalty for breach of the provisions of the Act, etc.

- (a) with fine which may extend to one hundred rupees; and
- (b) in case of continuing contravention, with fine which may extend to fifty rupees for each day after the first during which the contravention continues.

Dissolution
of Board
and transfer
of its assets
and liabilities
to the
Provincial
Govt. and
the Corporation.

174. (1) When all schemes sanctioned under this Act have been executed, or have been so far executed as to render the continued existence of the Board in the opinion of the Central Government unnecessary, the Central Government may, by notification in the official Gazette, declare that the Board shall be dissolved on such date as may be specified in such notification, and the Board shall stand dissolved accordingly.

(2) On and from the said date—

- (a) (i) all properties, funds and dues placed at the disposal of the Board by the Central Government, and
- (ii) all properties, funds and dues exchanged for, derived from, or otherwise attributable to, the properties, funds and dues referred to in sub-clause (i), which, immediately before the said date, were held by or realizable by the Board, shall vest in, and be realizable by the Central Government ;
- (b) all properties, funds and dues, other than those referred to in clause (a), which, immediately before the said date, were vested in or were realizable by the Board and the Chairman respectively shall vest in and be realizable by the Corporation ;
- (c) if any question arises as to whether any properties funds or dues vest in the Central Government under clause (a) or in the Corporation under clause (b), the question shall be referred to the Central Government whose decision thereon shall be final ;
- (d) all liabilities which, immediately before the said date, were enforceable against the Board shall be enforceable against the Central Government or the Corporation, as the case may be ;
- (e) for the purpose of completing the execution of any scheme sanctioned under this Act which has not been fully executed by the Board, and of realizing properties, funds and dues referred to in clauses (a) and (b), the functions of the Board and the Chairman under this Act shall be discharged by the Central Government or by the Corporation, as the case may be ; and
- (f) the Corporation shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised thereunder have been repaid, and until all other liabilities referred to in clause (d) have been duly met.

Repeal.

175. Chapter XIII of the Municipal Act is hereby repealed.

SCHEDULE

[See section 72(a)]

1. After clause (e) of section 3 of the Land Acquisition Act, 1894 (hereinafter in this Schedule referred to as "the said Act"), the following clause shall be deemed to be inserted, namely:—

"(ee) the expression 'local authority' includes the Karachi Improvement Trust, constituted under section 4 of the Karachi Improvement Trust Act, 1950".

2. (1) The first publication of a notice of an improvement scheme under section 45 of the Karachi Improvement Trust Act, 1950, shall be substituted for and have the same effect as publication in the official Gazette and in the locality of a notification under sub-section (1) of section 4 of the said Act, except where a notification under sub-section (1) of section 4 or a declaration under section 6 of the said Act has been previously made and is in force.

(2) Proceedings under section 47 and sub-section (1) of section 49 of the Karachi Improvement Trust Act, 1950, shall be substituted for and have the same effect as proceedings under section 5A of the said Act.

(3) Subject to the provisions of paragraphs 6 and 7 of this Schedule, the issue of a notice under clause (c) of sub-section (3) of section 38 of the Karachi Improvement Trust Act, 1950, in the case of land proposed to be acquired in pursuance of that clause, and in any other case the publication of a notification under section 51 of that Act shall be substituted for and have the same effect as a declaration under section 6 of the said Act, except where a declaration under the last mentioned section has been previously made and is in force.

3. In section 11 of the said Act, the word "and" shall be omitted in clause (ii) and added at the end of clause (iii) and after clause (ii) the following clause shall be inserted:—

"(iv) the costs which, in his opinion, should be allowed to any person who is found to be entitled to compensation, and who is not entitled to receive the additional sum of fifteen per cent. mentioned in sub-section (2) of section 23 as having been actually and reasonably incurred by such person in preparing his claim and putting his case before the Collector:

Provided that the Collector may disallow wholly or in part the cost incurred by any person if he considers that the claim made by such person is extravagant."

4. In section 15 of the said Act, for the word and figures "and 24", the figures, word and letter "24 and 24-A" shall be deemed to be substituted.

5. (1) In sub-section (3) of section 17 of the said Act, after the word and figures "section 24", the words, figures and letter "or section 24-A", shall be deemed to be inserted.

(2) After sub-section (4) of section 17 of the said Act, the following sub-sections shall be deemed to be inserted, namely :—

"(5) The provisions of sub-sections (1) and (3) shall apply in the case of any area which is stated in a certificate granted by a magistrate of the first class to be unhealthy.

(6) Before granting any such certificate, the magistrate shall cause notice to be served as promptly as may be on the person referred to in sub-section (3) of section 9 of the said Act, and shall hear without any avoidable delay any objections which may be urged by them.

(7) When proceedings have been taken under this section for the acquisition of any land and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for each dispossession".

6. After section 17 of the said Act, the following section shall be deemed to be inserted, namely :—

Transfer of
land to
Board.

"17-A. In every case referred to in section 16 or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Board; and the land shall thereupon vest in the Board, subject to the liability of the Board to pay any further costs which may be incurred on account of its acquisition".

7. (1) In sub-section (1) of section 23 of the said Act, for clauses first and sixthly, the following clauses shall respectively be deemed to be substituted, namely :—

"first, the market value of the land—

(a) at the date of the issue of the notice under clause (b) of sub-section (3) of section 43 of the Karachi Improvement Trust Act, 1950, in case the land is proposed to be acquired in pursuance of that clause; and

(b) at the date of the first publication of the notice under section 45 of that Act, in any other case.

Sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the date referred to in paragraph (a) or paragraph (b), as the case may be, of clause first, and the date on which the Collector takes possession of the land",

(2) In the same section, to sub-section (2), the following proviso shall be deemed to be added, namely :—

“ Provided that this sub-section shall not apply where the land acquired is situated in an area which is declared by the Central Government to be a congested or slum area and the land is not in the actual possession of the owner.”

(3) In the same section, after sub-section (2), the following sub-section shall be deemed to be added, namely :—

“ (3) For the purpose of clause first of sub-section (1) of this section—

- (a) if the market value of the land has been increased or decreased owing to the land falling within or near to the alignment of a projected public street, so much of the increase or decrease as may be due to such cause shall be disregarded ;
- (b) if any person, otherwise than in accordance with the provisions of this Act, erects, re-erects, adds to, or alters any wall or building so as to make the same project into the street alignment or beyond the building line prescribed by any scheme made under this Act, then, any increase in the market value resulting from such erection, re-erection, addition or alteration shall be disregarded ;
- (c) if the market value is exceptionally high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded and the market value shall be deemed to be the market value of the land if put to an ordinary use ;
- (d) if the market value of any building is exceptionally high in consequence of the building being so overcrowded as to be dangerous to the health of the inmates, such overcrowding shall be disregarded, and the market value shall be deemed to be the market value of the building if occupied by such number of persons only as could be accommodated in it without overcrowding :

Provided that clauses (c) and (d) shall not apply in the case of a building which is in the actual occupation of the owner ;

- (e) the market value of the land shall be the value according to the use to which the land was put at the date with reference to which the market value is to be determined ;

- (f) if it is shown that before such date the owner of the land had in good faith taken active steps and incurred expenditure to secure a more profitable use of the same, further compensation based on this actual loss may be paid to him ;
- (g) if the market value has been increased by any improvement made by the owner or his predecessor within two years before the aforesaid date such increase shall be disregarded unless it is proved that the improvement so made was made in good faith and not in contemplation of proceedings for the acquisition of the land being taken under this Act ;
- (h) when the owner of land or building has, after the passing of the Karachi Improvement Trust Act, 1950, and within the two years next preceding the date with reference to which the market value is to be determined, made a return under the Municipal Act of the aforesaid land or building the rent in such case shall not be deemed to be greater than the rent shown in the latest return so made and the market value shall be determined on the basis of such return :

Provided that where addition to, or improvement of, such land or building has been made after the date of such return but previous to the date with reference to which the market value is to be determined, the Court may consider any increase in the letting value due to such addition or improvement ”.

8. For clause seventhly of section 24 of the said Act, the following clause shall be deemed to be substituted, namely :—

“ Seventhly, any outlay on additions or improvements to land acquired, which was incurred after the date with reference to which the market value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair ”.

9. After section 24 of the said Act, the following section shall be deemed to be inserted, namely :—

“ 24-A. In determining the amount to be awarded for any land acquired for the Board under this Act, regard shall also be had to the following provisions, namely :—

- (1) When any interest in any land acquired under this Act has been acquired after the date with reference to which the market value is to be determined, no separate

Further
Provisions
for deter-
mining com-
pensations.

estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land.

(2) If, in the opinion of the Court, any building is insanitary or is not in a reasonably good state of repair, the amount of compensation shall not exceed the sum which the Court considers the building would be worth if it were made sanitary or put into a reasonably good state of repair, as the case may be, minus the estimated cost of so making it or putting it into such condition.

(3) If, in the opinion of the Court, any building used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials of the buildings minus the cost of demolishing the building”.

10. After section 48 of the said Act, the following section shall be deemed to be inserted, namely :—

48-A. (1) Where the Collector has not made any award under section 11 in respect of any land within a period of two years from the date of the publication of the declaration under section 6 or of the issue of a notice under clause (c) of sub-section (3) of section 38 of the Karachi Improvement Trust Act, 1950, or of the publication of a notification under section 51 of that Act, as the case may be, the owner of the land shall, unless he has been responsible to a material extent for the delay, be entitled to receive compensation for the damage suffered by him in consequence of the delay. Compensation for delay in making award.

(2) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section”.

11. After sub-section (1) of section 49 of the said Act, the following shall be deemed to be inserted, Amendment of section 49. namely :—

“(1aa) For the purposes of sub-section (1), land which is held with and attached to a house and is reasonably required for the enjoyment and use of the house shall be deemed to be part of the house”.

ACT NO. XLIX OF 1950¹.

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 4th May, 1950.)

An Act to amend the Karachi Secondary Education Act, 1950.

WHEREAS it is expedient to amend the Karachi Secondary Education Act, 1950, for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Karachi Secondary Education (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In clause (1) of section 4 of the Karachi Secondary Education Act, 1950, for the words "Girls Schools in Karachi" the words "Secondary Schools for Girls in Karachi" shall be substituted and after the said clause the following Proviso shall be inserted, namely :—

"Provided that for constituting first Board under this Act, the Secondary Schools mentioned in clauses (i) to (l) of this section shall mean such schools as are recognised by the University of Sind for its Matriculation Examination for the year 1950."

1. For Statement of Objects and Reasons, See Gaz. of Pakistan, 1950, Pt. V, p. 189.

ACT NO. L OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to constitute a Pakistan Territorial Force.

WHEREAS it is expedient to provide for the constitution of a Pakistan Territorial Force and for its administration and discipline ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan Territorial Force Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of Pakistan, and applies to persons enrolled in the Pakistan Territorial Force wherever they may be.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

“enrolled” means enrolled or re-enrolled in the Pakistan Territorial Force under this Act ;

“non-commissioned officer” means a person holding non-commissioned rank in the Pakistan Territorial Force, and includes an acting non-commissioned officer ;

“officer” means a commissioned officer or a junior commissioned officer ;

“prescribed” means prescribed by rules made under this Act.

3. There shall be raised and maintained in the manner hereinafter provided a force to be designated the Pakistan Territorial Force : Constitution of Pakistan Territorial Force.

Provided that the Central Government shall establish all or any of the branches of the Force as circumstances may permit from time to time.

4. (1) The Central Government may constitute any corps or unit of the Pakistan Territorial Force and may disband or reconstitute any corps or unit so constituted. Constitution and disbandment of units.

(2) The Central Government may constitute for any Province, the Capital of the Federation, or an Acceding State a university corps consisting of one or more units of the Territorial Force, for the appointment thereto of students of, and other persons connected with, a university established by law in Pakistan, or colleges affiliated to such a university, and may disband or reconstitute any unit so constituted.

5. (1) There shall be the following classes of officers in the Pakistan Territorial Force, namely : Classes of officers.

(a) commissioned officers, and

(b) junior commissioned officers.

¹For Statement of Objects and Reasons, see “Gazette of Pakistan”, 1950, Pt. V, p. 206.

(2) An officer shall be deemed to be enrolled in the Pakistan Territorial Force for so long as he holds a commission in that Force.

Enrolment.

6. (1) Any male person who is a citizen of, or is domiciled in, Pakistan or an Acceding State may offer himself for enrolment in the Pakistan Territorial Force, and any such person who satisfies the prescribed conditions may be enrolled in the prescribed manner for such period, not exceeding six years, as may be prescribed.

(2) An applicant for enrolment may apply to be enrolled for service in any particular branch, corps or unit.

Appoint-
ment to
corps or
unit.

7. (1) Every person enrolled shall without unnecessary delay be appointed in the prescribed manner to a corps or unit constituted under section 4.

(2) Any person who has been enrolled for service in any particular branch, corps or unit shall be appointed to a corps or unit of that branch or to that corps or unit, as the case may be.

Transfer
and attach-
ment.

8. (1) Any person appointed to a corps or unit under section 7 may be transferred, whether on disbandment of the corps or unit or otherwise, to another corps or unit of the same Branch of the Pakistan Territorial Force, in such manner as may be prescribed.

(2) Any person enrolled may be attached at his own request to any corps or unit of the Pakistan Territorial Force or to any unit of the Pakistan Army.

Change of
residence.

9. (1) Any enrolled person who changes his residence otherwise than temporarily shall inform the prescribed authority of his new residence.

(2) The prescribed authority on being so informed may, subject to the provisions of section 8, transfer such person from the corps or unit in which he is serving to another corps or unit.

Discharge.

10. Every person enrolled shall be entitled to receive his discharge from the Pakistan Territorial Force on the expiration of the period for which he was enrolled and any such person may, before the expiration of that period, be discharged from the said Force by such authority and subject to such conditions as may be prescribed, and shall be so discharged on a recommendation of the officer commanding the unit in this behalf :

Provided that no person enrolled who is for the time being engaged in military service under the provisions of this Act shall be entitled to receive his discharge before the termination of such service.

Liability to
serve and
perform
military
service.

11. (1) Every person enrolled shall, subject to such conditions as may be prescribed, be bound to serve in any corps or unit of the Pakistan Territorial Force to which he has been appointed or transferred, or is for

the time being attached, and shall be subject to all rules and regulations that may be made under this Act relating to such corps or unit.

(2) Every person enrolled in a corps or unit other than a university corps or unit shall be liable to perform military service—

- (a) when called out with any portion of the Pakistan Territorial Force by an order of the senior military officer present either to act in support of the civil power or to provide guards, which, in the opinion of such officer, are essential ; or
- (b) when any portion of the Pakistan Territorial Force to which he belongs has been embodied to support or supplement the Pakistan Army in the event of an emergency by a notification directing such embodiment issued by the Central Government and published in the official Gazette ; or
- (c) when attached at his own request to any unit of the Pakistan Army.

12. No person embodied under section 11 shall be required to perform military service beyond the limits of Pakistan save under a general or special order of the Central Government.

Territorial limits of liability to, and duration of, military service.

VIII of 1911 13. (1) Every officer of the Pakistan Territorial Force when doing duty as such officer, shall be subject to the Indian Army Act, 1911, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in the Pakistan Army as he holds for the time being in the said Force, subject to the terms of his commission and the orders of the Governor-General.

Application of Act VIII of 1911.

(2) Every non-commissioned officer and man of the Pakistan Territorial Force,—

- (a) when called out or embodied for military service under section 11, or
- (b) when attached to, or otherwise acting as part of, or with, any unit of the Pakistan Army, or
- (c) when embodied for, or otherwise undergoing, military training in the prescribed manner,

VIII of 1911 shall be subject to the Indian Army Act, 1911, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in the Pakistan Army as he holds for the time being in the said Force, subject to the orders of the Governor-General :

Provided that the said Act, rules and regulations shall, in their application to such non-commissioned officers and men when embodied for or otherwise undergoing military training, be modified to such extent and in such manner as may be prescribed :

Provided further that non-commissioned officers and men of a university corps when undergoing training, shall, in respect of such training, be subject only to such disciplinary and other rules as may be prescribed.

(3) Where an offence punishable under the Indian Army Act, 1911, or, as the case may be, VIII of 1911, under that Act as modified under sub-section (2), has been committed by any person whilst subject to that Act under the provisions of this section, such person may be taken into and kept in military custody and tried and punished for such offence, although he has ceased to be so subject as aforesaid, in like manner as he might have been taken into and kept in military custody, tried or punished if he had continued to be so subject :

Provided that no such person shall be kept in military custody after he has ceased to belong to the Pakistan Territorial Force, unless he has been taken into or kept in military custody on account of the offence before the date on which he ceased so to belong ; nor shall he be kept in military custody or be tried or punished for the offence after the expiry of two months from that date, unless his trial has already commenced before such expiry.

Summary
trial and
punishments

14. In addition to, or in substitution for, any punishment or punishments to which he may be liable under the Indian Army Act, 1911, a junior commissioned officer, non-commissioned officer or man of the Pakistan Territorial Force not being a member of a university corps, may be punished either by a criminal court or summarily by order of the prescribed authority for any offence under that Act, or for the contravention of any rule or regulation under this Act, with fine which may extend to fifty rupees, to be recovered in such manner and by such authority as may be prescribed :

Provided that no court inferior to that of a magistrate of the first class shall try any offence made punishable by or under this Act.

Presumption
as to certain
documents.

15. Where a junior commissioned officer, non-commissioned officer or man of the Pakistan Territorial Force is required by or in pursuance of any rule, regulation or order made under this Act to attend at any place, a certificate purporting to be signed by the prescribed officer, stating that the person so required to attend failed to do so in accordance with such requirement, shall without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

Power to
make rules.

16. (1) The Central Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may—

(a) prescribe the manner in which, the period for which and the conditions subject to which, persons may be enrolled under section 6 ;

- (b) prescribe the manner in which persons enrolled may be appointed to corps and units under section 7 or transferred under section 8 or section 9 ;
 - (c) prescribe the authorities by which and the condition subject to which persons enrolled may be discharged under section 10 ;
 - (d) prescribe preliminary and periodical military training, compulsory and voluntary, for any persons or class of persons enrolled and provide for the embodiment of any corps or unit for that purpose ;
 - (e) prescribe the military or other obligations to which members of a university corps shall be liable when undergoing military training and provide generally for the maintenance of discipline in such cases ;
 - (f) provide for the medical examination of persons offering themselves for enrolment under section 6 ;
 - (g) provide for and regulate the remuneration, allowances, gratuities or compensation (if any) to be paid to any person or class of persons enrolled or to their dependents ; and
 - (h) provide for any other matter which under this Act, is to be or may be prescribed.
- (3) All rules made under this Act shall be published in the official Gazette, and on such publication shall have effect as if enacted in this Act.

17. (1) The Commander-in-Chief of the Pakistan Army may make regulations not inconsistent with this Act, and the rules made thereunder, providing generally for all details connected with the organisation and personnel of the Pakistan Territorial Force and for the duties, military training, clothing, equipment, allowances and leave of persons enrolled.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may specify the courses of training or instruction to be followed by any person or class of persons enrolled.

18. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, all officers, non-commissioned officers and men of the Pakistan Territorial Force who have been appointed to a corps or unit shall be deemed to be officers, non-commissioned officers and soldiers, respectively, of Pakistan Army.

Certain persons subject to this Act to be deemed part of Pakistan Army for certain purposes.

19. No person shall be liable to pay any municipal or other tax in respect of any horse, bicycle, motor-bicycle, motor car, or other means of conveyance which

Exemption from local taxation.

he is authorised by regulations made under section 16 to maintain in his capacity as a person enrolled in or otherwise connected with the Pakistan Territorial Force.

Repeal of 20. The Indian Territorial Force Act, 1920, is **XLVIII**
Act **XLVIII** hereby repealed. 1920.
of 1920.

ACT NO. LI OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to amend the Cantonments Act, 1924, in its application to the Wah Cantonment.

WHEREAS it is expedient to amend the Cantonments Act, 1924 (II of 1924), in its application to the Wah Cantonment ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Cantonments (Wah Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Act II of 1924.

2. After sub-section (5) of section 13 of the Cantonments Act, 1924 (hereinafter referred to as the "said Act") the following sub-section shall be inserted, namely :— Insertion of new sub-section (5A) in section 13 of Act II of 1924.

"(5A) In their application to the Wah Cantonment, the provisions of clause (a) of each of the preceding sub-sections (3), (4) and (5) shall be read as if for the expression 'military officer' appearing therein, the expression 'civil or military officer' were substituted."

3. To sub-section (2) of section 20 of the said Act, the following proviso shall be added, namely :— Addition of a proviso to sub-section 20 of Act II of 1924.

"Provided that in its application to the Wah Cantonment this sub-section shall be read as if for the expression 'military officer', the expression 'civil or military officer' were substituted."

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 207.

ACT NO. LII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]
(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Negotiable Instruments Act, 1881.

XXVI of 1881. WHEREAS it is expedient further to amend the Negotiable Instruments Act, 1881, for the purpose herein-after appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Negotiable Instru- Short title
ments (Amendment) Act, 1950. and com-
mencement.

(2) It shall come into force at once.

XXVI of 1881. 2. In section 25 of the Negotiable Instruments Act, 1881, for the existing Explanation the following shall be substituted, namely :— Amendment
of section
25, Act
XXVI of
1881.

“ Explanation.—The expression ‘ public holiday ’ includes Sundays, Id-i-Milad-un-Nabi Day, Pakistan Day, the Anniversary Day of the Death of the Quaid-i-Azam and any other day declared by the Central Government, by notification in the official Gazette, to be a public holiday.”

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 216.

ACT NO. LIII OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to amend the Pakistan (Recovery of Abducted Persons) Ordinance, 1949, for certain purposes.

WHEREAS it is expedient to amend the Pakistan Preamble.
VII of 1949 (Recovery of Abducted Persons) Ordinance, 1949,
for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan (Re- Short title
covery of Abducted Persons) (Amendment) Act, 1950. and com-
mencement.

(2) It shall come into force at once.

2. In clause (a) of section 2 of the Pakistan (Re- Amendment
covery of Abducted Persons) Ordinance, 1949, for the of section 2,
words "individual or family" the following shall be Ordinance
substituted, namely :— VII of 1949.

"individual or family, and, where any child has
been born during the period of such separa-
tion to an abducted person who is a female,
shall include that child".

For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 217.

Price : Anna 1

ACT NO. LIV OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to amend the Pakistan (Exchange of Prisoners)
Ordinance, 1948, for certain purposes.

WHEREAS it is expedient to amend the Pakistan Preamble.
XII of 1948. (Exchange of Prisoners) Ordinance, 1948, for the
purposes hereinafter appearing,

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan (Ex- Short title
change of Prisoners) (Amendment) Act, 1950. and com-
mencement.

(2) It shall come into force at once.

2. In the Schedule to the Pakistan (Exchange of Amendment.
XII of 1948. Prisoners) Ordinance, 1948, the word "Malerkotla" of the
occurring in the second column against the second Schedule,
entry relating to "Muslims" shall be omitted and shall Ordinance
be deemed always to have been omitted. XII of 1948.

For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 218.

Price : Anna 1

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THE STATE BANK OF PAKISTAN (AMENDMENT) ACT, 1950.

¹ACT NO. LV OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the
23rd October, 1950.)

An Act further to amend the State Bank of Pakistan
Order, 1948.

O.11
of
1948. WHEREAS it is expedient further to amend the State
Bank of Pakistan Order, 1948, for the purposes hereinafter
appearing ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the State Bank Short title
and com-
mencement.
of Pakistan (Amendment) Act, 1950.

(2) It shall come into force at once.

2. In clause 8 of the State Bank of Pakistan Order, Amendment
of clause 8,
State Bank
of Pakistan
Order, 1948.
1948 (hereinafter referred to as the said Order)—

(a) to sub-clause (6), the following proviso shall
be added, namely :—

“Provided that the Governor, or the Deputy
Governor as the case may be, may, in addi-
tion to his duties as Governor or Deputy
Governor, be entrusted by an order of the
Central Government with such duties in rela-
tion to the National Bank of Pakistan for such
period as may be specified in the order.”;

and

(b) to sub-clause (8), the following proviso shall be
added, namely :—

“Provided that nothing in paragraph (c) of this
clause shall apply where the Governor or
Deputy Governor is entrusted with duties in
relation to the National Bank of Pakistan by
an order of the Central Government.”.

3. In clause 13 of the said Order, after sub-clause (6), Amendment
of clause 13,
State Bank
of Pakistan
Order, 1948.
the following new sub-clause shall be inserted, namely :—

“(6a) the drawing, accepting, making and issue, on
its own account or on account of the Central

¹For Statement of Objects and Reasons, see Gazette of
Pakistan. 1950. Pt V, p. 221.

Government, as the case may be, of any bill of exchange, hundi, promissory note or engagement for the payment within or without Pakistan of Pakistan or foreign currency payable to bearer or to a banker on demand :

Provided that the business mentioned in this sub-clause shall not be carried on or transacted without the previous approval of the Central Government in each case."

Amendment
of clause 26,
State Bank
of Pakistan
Order, 1948.

4. For paragraph (b) of sub-clause (7) of clause 26 of the said Order, the following shall be substituted, namely :—

" (b) is a banking company as defined in section 277F of the Companies Act, 1913, or a corporation or a company incorporated by or under any law in force in any place in or outside Pakistan."

Amendment
of clause 36,
State Bank
of Pakistan
Order, 1948.

5. In clause 36 of the said Order, after paragraph (q) of sub-clause (2), the word "and" shall be omitted and the following shall be inserted, namely :—

" (qq) the denomination, form, issue, negotiability, encashment and repatriation of the instruments mentioned in sub-clause (6a) of clause 13; and "

Repeal.

6. The State Bank of Pakistan (Amendment) Ordinance, 1950 and the State Bank of Pakistan (Amendment) Ordinance, 1950, are hereby repealed, and anything done under any provision of the said Order as inserted, added or substituted therein by either of these Ordinances shall be deemed to have been done under the corresponding provision inserted, added or substituted therein by this Act, as if the insertion, addition or substitution had been made by this Act on the date it was made by either Ordinance.

Ord.
II of
1950.
Ord.
III of
1950.

ACT NO. LVI OF 1950.¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

Received the assent of the Governor-General on the 23rd October, 1950.

An Act further to amend the Revenue Recovery Act, 1890.

WHEREAS it is expedient for the purpose hereinafter appearing further to amend the Revenue Recovery Act, 1890 ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Revenue Recovery (Amendment) Act, 1950.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. After section 10 of the Revenue Recovery Act, 1890, the following new section shall be added, namely :—

Insertion of
new section
in Act I of
1890.

“ 11. *Recovery in the Provinces of land revenue, etc., accruing in an Acceding State.*—(1) The Central Government may in respect of any Acceding State direct that this Act shall apply to the recovery of an arrear of land revenue accruing in that State or a sum recoverable in that State as an arrear of land revenue and payable to a Collector or other public officer or to a local authority in that State, and upon the making of the direction such arrear or sum shall be recoverable by a Collector as if it were an arrear of land revenue which has accrued in his own district.

(2) For the purpose of a recovery under this section, the Central Government shall—

- (a) specify the authority or authorities in the said State on whose certificate proceedings for recovery may be instituted ; and
- (b) determine whether and in what manner and to what extent the provisions of section 4 and sub-section (2) of section 9 shall apply.

(3) The Collector shall remit any sum recovered by him under the provisions of this section to the authority which issued the certificate after deducting his expenses in the matter.”

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Part V, P. 232.

ACT No LVII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Divorce Act, 1869

WHEREAS it is expedient further to amend the Divorce Act, 1869 (IV of 1869), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Divorce (Amendment) Act, 1950. Short title
and com-
mencement.

(2) It shall be deemed to have taken effect on the 15th day of August, 1947.

2. For the third sub-paragraph of the second para- Amendment
of section 2,
Act IV of
1869.
graph of section 2 of the Divorce Act, 1869, the follow-
ing shall be substituted, namely :—

IV of 1869

“ or to make decrees of nullity of marriage except where the marriage if solemnized before the 15th day of August, 1947, has been solemnized in India and if solemnized on or after that date has been solemnized in Pakistan and the petitioner is resident in Pakistan at the time of presenting the petition.”

For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 216.

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ACT NO. LVIII OF 1950.¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Chittagong Port Act, 1914.

Bengal Act
V of 1914. WHEREAS it is expedient further to amend the Chittagong Port Act, 1914, for the purposes herein-after appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Chittagong Port Short title.
(Amendment) Act, 1950.

2. In sub-sections (2) and (3) of section 28 and Amendment of sections 28, 29 and 30, Bengal Act V of 1914.
sub-sections (1) and (2) of section 29 and clauses (i) and (ii) of section 30 of the Chittagong Port Act, 1914, hereinafter referred to as the said Act, for the expressions “two thousand and five hundred rupees” and “twenty five thousand rupees”, wherever they occur, the expressions “three thousand rupees” and “one lakh of rupees” shall be substituted respectively.

3. For sub-section (3) of section 33 of the said Act, Amendment of section 33, Bengal Act V of 1914.
the following shall be substituted, namely :—

“(3) The approval of the Central Government shall be required to the creation of any new post the monthly salary of which is five hundred rupees or more and to any change in the remuneration of any such post.”

4. Section 34 of the said Act shall be omitted. Omission of section 34, Bengal Act V of 1914.

5. To section 36 of the said Act, the following Amendment of section 36, Bengal Act V of 1914.
proviso shall be added at the end :—

“Provided that any order made under this section shall so far as it relates to any officer whose monthly salary is five hundred rupees or more be subject to the previous sanction of the Central Government.”

6. The First proviso to section 59 of the said Act shall be omitted. Omission of the first proviso to section 59, Bengal Act V of 1914.

7. For sub-section (8) of section 84 of the said Amendment of section 84, Bengal Act V of 1914.
Act, the following shall be substituted, namely :—

“(8) any charge which may be specially sanctioned by the Central Government on the application of the Commissioners or for which the Commissioners may be legally liable.”

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 219.

ACT NO. LIX OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to establish and incorporate a University at Karachi.

WHEREAS it is expedient to establish and incorporate a University at Karachi; it is hereby enacted as follows:—

1. (1) This Act may be called the University of Karachi Act, 1950. Short title
and
commence-

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint. ment.

2. In this Act and in the Statutes, unless there is anything repugnant in the subject or context,— Definitions.

- (a) "college" means an institution maintained or recognised by the University in accordance with the provisions of this Act, in which instruction is provided under conditions prescribed in the Statutes, and in which provision is made for residence of students of the University;
- (b) "hall" means a unit of residence and corporate life for students of the University maintained or recognized by the University in accordance with the provisions of this Act;
- (c) "principal" means the head of a college; and includes when there is no principal, the person for the time being duly appointed to act as principal, and in the absence of the principal or the acting principal, a vice-principal duly appointed as such;
- (d) "provost" means the head of a hall;
- (e) "registered graduate" means a graduate registered under the provisions of this Act;
- (f) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (g) "teachers" includes professors, readers, lecturers and other persons appointed or recognised in accordance with the Statutes for imparting instruction in the University or in any college or hall; and
- (h) "University" means University of Karachi.

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 255.

THE UNIVERSITY

The
University.

3. (1) The first Chancellor, the first Pro-Chancellor and the first Vice-Chancellor of the University and the first Members of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "University of Karachi".

(2) The University shall have perpetual succession and a common seal with powers to acquire and hold property, and shall sue and be sued by the said name.

Powers
of the
University.

4. The University shall have the following powers, namely:—

- (1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;
- (2) to hold examinations and to grant to, and confer degrees and other academic distinctions on, persons who—
 - (a) apply for admission to the University;
 - (b) have pursued a course of study in the University, or are non-collegiate women students, residing within the territorial jurisdiction of the University, or
 - (c) are engaged in academic work in such institutions as are recognised by the University in accordance with the Statutes;
- (3) to affiliate colleges;
- (4) to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes;
- (5) to grant such diplomas to, and to provide such lectures and instruction for, members of the University and persons who are not members of the University as the University may determine;
- (6) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;
- (7) to institute professorships, readerships, lecturerships and any other teaching posts required by the University;
- (8) to appoint or recognise persons as professors, readers or lecturers, or otherwise as teachers of the University;
- (9) to institute and award fellowships, scholarships, exhibitions and prizes in accordance with the Statutes and the Regulations;
- (10) to maintain colleges and halls, to recognise colleges and halls not maintained by the University, and to withdraw such recognition;

- (11) to demand and receive payment of such fees and other charges as may be authorised by the Ordinances ;
- (12) to supervise and control the residence and discipline of students of the University, and to make arrangements for promoting their health and general welfare ;
- (13) to make grants from the funds of the University for assistance to forms of extra-mural teaching ;
- (14) to make grants from the funds of the University for the maintenance of the University Officers Training Corps ;
- (15) to receive gifts and donations or endowments made to the University for specific purposes ;
- (16) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote Arts, Science, Islamic learning Urdu and other branches of learning.

5. (1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond the territories of the Federal Capital and notwithstanding anything in any other law for the time being in force, no educational institution beyond that limit shall be associated with or admitted to any privileges of the University : Territorial exercise of powers.

Provided that nothing in this sub-section shall apply to any agricultural or other technical institution established or maintained by or under the University with the sanction of the Central Government.

(2) Notwithstanding anything in any other law for the time being in force, no educational institution within the aforementioned limit shall be associated in any way with or be admitted to any privileges of any other University in Pakistan established by a Pakistan law, and any such privileges granted by any such other university to any educational institution within that limit prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act.

6. (1) All teaching in connection with the University courses shall be conducted under the control of the Academic Council by teachers appointed or recognised by the University, and shall include lecturing and laboratory work and other teaching conducted in accordance with any syllabus prescribed by the Regulations. Teaching of the University.

(2) Every teacher of the University shall be attached to a College or a Hall.

(3) The authorities responsible for organising such teaching shall be prescribed by the Statutes.

(4) The courses and curricula shall be prescribed by the Ordinances and, subject thereto, by the Regulations.

OFFICERS OF THE UNIVERSITY

Officers of
the Univer-
sity.

7. The following shall be the officers of the University :—

- (i) The Chancellor,
- (ii) The Pro-Chancellor,
- (iii) The Vice-Chancellor,
- (iv) The Treasurer,
- (v) The Registrar,
- (vi) The Deans of the Faculties,
- (vii) The Heads of teaching departments.
- (viii) The Librarian,
- (ix) The Principals of Colleges,
- (x) The Provosts of Halls,
- (xi) The Proctor, and
- (xii) Such other persons as may be declared by the Statutes to be officers of the University.

The
Chancellor.

8. (1) The Governor-General shall be the Chancellor. He shall be the Head of the University and shall, when present, preside at the meetings of Senate and at any convocation of the University.

(2) The Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, equipment, and of any institutions associated with the University, and also of the examinations, teaching and other activities conducted by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.

(3) The Chancellor may address the Vice-Chancellor with reference to the results of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Syndicate the views of the Chancellor and shall, after ascertaining, if he so thinks fit, the opinion of the Syndicate thereon, advise the University upon the action to be taken thereon.

(4) The Syndicate shall report to the Vice-Chancellor for communication to the Chancellor such action, if any, as it is proposed to take or has been taken upon the results of such inspection or inquiry.

(5) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

(6) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

The Pro-
Chancellor.

9. The Minister for Education in the Central Government shall be the Pro-Chancellor. He shall, when

present, in the absence of the Chancellor, preside at meetings of the Senate and at any Convocation of the University.

10. (1) The Vice-Chancellor shall be appointed by the Chancellor and shall hold office for such term and subject to such conditions as may be prescribed by the Statutes. The Vice-Chancellor.

(2) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Syndicate shall forthwith report the same to the Chancellor, who shall make such arrangements for carrying on the office of the Vice-Chancellor as he may think fit.

11. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor and the Pro-Chancellor, preside at the meetings of the Senate and at any Convocation of the University. He shall be an *ex-officio* member and Chairman of the Syndicate and of the Academic Council and shall be entitled to be present and to speak at any meeting of any authority or other body of the University and shall be entitled to vote thereat. Powers and duties of the Vice-Chancellor.

(2) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes and the Ordinances or Regulations are faithfully observed, and he shall have all powers necessary for this purpose.

(3) The Vice-Chancellor shall have powers to convene meetings of the Senate, the Syndicate and the Academic Council.

(4) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary, and shall, at the earliest opportunity thereafter, report his action to the officer, authority or other body who or which in the ordinary course would have dealt with the matter.

(b) When action taken by the Vice-Chancellor under clause (a) affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Syndicate through the said officer, authority or other body within thirty days from the date on which such action is communicated to him.

(5) The Vice-Chancellor shall give effect to any order of the Syndicate regarding the appointment, dismissal or suspension of an officer or teacher of the University, or regarding the recognition or withdrawal of the recognition of any such teacher, and shall exercise general control in the University. He shall be responsible for the discipline of the University, and shall have all powers necessary for this purpose.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

The
Treasurer.

12. (1) The Treasurer shall be appointed by the Chancellor for a period of three years. He shall be an *ex-officio* member of the Senate and the Syndicate and shall—

- (a) exercise general supervision over the funds of the University, and advise in regard to its financial policy ;
- (b) subject to the control of the Syndicate, manage the property and investment of the University, and be responsible for the presentation of the annual estimates and statements of accounts ;
- (c) subject to the powers of the Syndicate be responsible for seeing that all monies are expended on the purpose for which they are granted or allotted ;
- (d) sign all contracts made on behalf of the University ; and
- (e) exercise such other powers as may be prescribed by the Statutes and the Ordinances.

(2) When the office of Treasurer falls vacant by reason of leave, illness, death or any other cause, the Syndicate shall forthwith report the vacancy to the Chancellor, and the Chancellor shall then—

- (a) in the case of a vacancy expected to be temporary, make such temporary arrangement for filling it as he may think fit :

Provided that no temporary arrangement or series of temporary arrangements shall be made so as to last beyond six months from the date the vacancy occurred ; and

- (b) **in the case of a vacancy which is permanent or expected to be permanent appoint a fresh Treasurer.**

The
Registrar.

13. The Registrar shall be the Secretary of the Senate, the Syndicate and the Academic Council. He shall maintain a register of registered graduates in accordance with the Statutes, and shall exercise such other powers and discharge such other duties as may be prescribed by the Statutes and the Ordinances.

Other
officers.

14. The powers of officers of the University other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Treasurer and the Registrar, shall be such as may be prescribed by the Statutes and the Ordinances.

AUTHORITIES OF THE UNIVERSITY

Authorities
of the
University.

15. The following shall be the authorities of the University :—

- (i) The Senate.
- (ii) The Syndicate.
- (iii) The Academic Council.
- (iv) The Faculties, and
- (v) such other authorities as may be declared by the Statutes to be authorities of the University.

16. (1) The Senate shall consist of the following persons namely :— The Senate.

EX OFFICIO MEMBERS

- (i) The Chancellor,
- (ii) The Pro-Chancellor,
- (iii) The Vice-Chancellor,
- (iv) The Treasurer,
- (v) The Registrar,
- (vi) The Deans of Faculties,
- (vii) The Principals,
- (viii) The Heads of teaching departments,
- (ix) The Librarian,
- (x) The Proctor,
- (xi) The Provosts, and
- (xii) such other *ex officio* members as may be prescribed by the Statutes.

LIFE MEMBERS

- (xiii) Persons (if any) appointed by the Chancellor to be life members on the ground that they have rendered great services to education.

OTHER MEMBERS

- (xiv) Graduates of the University elected by the registered graduates from among themselves,
- (xv) persons elected from among themselves by the teachers of the University who are not *ex officio* members of the Senate,
- (xvi) persons elected by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Senate,
- (xvii) persons elected by members of the Federal Legislature from among themselves,
- (xviii) persons other than life members appointed by the Chancellor, and
- (xix) a representative of the governing body of each college elected or nominated by that body.

(2) The number of members to be elected or appointed under clauses (xiv), (xv), (xvi), (xvii) and (xviii) and the tenure of office of members to be elected or appointed under clauses (xiv) to (xix) of sub-section (1), shall be such as may be prescribed by the Statutes, and the mode of election of members to be elected under clauses (xiv) and (xv) shall be such as may be prescribed by the Ordinances.

17. (1) The Senate shall, on a date to be fixed by Meetings, the Vice-Chancellor, meet once a year at a meeting to the Senate. be called the annual meeting of the Senate.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than thirty members of the Senate, convene a special meeting of the Senate.

Powers and
duties of the
Senate.

18. Subject to the provisions of this Act, the Senate shall exercise the following powers and perform the following duties, namely—

- (a) of making Statutes, and of amending or repealing the same ;
- (b) of considering and cancelling Ordinances, and of considering and passing resolutions on the annual report, the annual accounts and the financial estimates and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

The
Syndicate.

19. The Syndicate shall be the executive body of the University, and its constitution and the terms of office of its members, other than *ex officio* members, shall be prescribed by the Statutes.

Powers and
duties of
the
Syndicate.

20. The Syndicate—

- (a) shall hold, control and administer the property and funds of the University, and for these purposes and for obtaining advice on matters of finance shall appoint a Finance Committee to be constituted in accordance with the Statutes ;
- (b) shall determine the form, provide for the custody and regulate the use of the common seal of the University ;
- (c) shall lay before the Chancellor annually a full statement of the financial requirements of the University and the colleges ;
- (d) shall administer any funds placed at the disposal of the University for specific purposes ;
- (e) subject to the provisions of this Act and the Statutes shall appoint the officers (other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, and the Treasurer), teachers, clerical staff and other servants of the University and shall define their duties and conditions of service and shall provide for the filling of temporary vacancies in their posts ;
- (f) shall have power, to accept on behalf of the University transfers of any property ;
- (g) shall have power, subject to the Statutes, to recognise or withdraw recognition from a College or Hall not maintained by the University ;
- (h) shall arrange, for the holding of, and publish the results of the University examinations ;

- (i) shall, subject to the powers conferred by this Act on the Vice-Chancellor, regulate and determine all matters concerning the University in accordance with this Act, the Statutes and the Ordinances :

Provided that no action shall be taken by the Syndicate in respect of the appointment or emoluments of examiners or the number, qualifications or emoluments of teachers, otherwise than on a recommendation of the Academic Council ; and

- (j) shall exercise all other powers of the University the exercise of which is not otherwise provided for by this Act or the Statutes.

21. The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, control and have general superintendence over, and be responsible for the maintenance of standards of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes. It shall have the right to advise the Syndicate on all academic matters. The constitution of the Academic Council and the term of office of its members, other than *ex officio* members shall be prescribed by the Statutes. Academic Council.

22. (1) Provision shall be made, as soon as possible, after the commencement of this Act for the inclusion in the University of the Faculties of Arts, Science, Medicine, Commerce, Engineering and Technology and Law and Islamic learning and such other Faculties shall be included in the University (whether by the subdivision or combination of an existing Faculty or Faculties or by the creation of a new Faculty or otherwise) as may be prescribed by the Statutes. Each Faculty shall, subject to the control of the Academic Council have charge of the teaching and the Courses of study and the research work in such subjects as may be assigned to such Faculty by the Ordinance. The Faculties.

(2) The constitution and powers of the Faculties shall be such as may be prescribed by the Statutes.

(3) There shall be a Dean of each Faculty, who shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

(4) Each Faculty shall comprise such Departments of teaching as may be prescribed by the Ordinances. The head of every such Department shall be the Professor of the Department, or if there is no Professor, the Reader. If there is more than one Professor or more than one Reader of a Department, the Vice-Chancellor shall appoint to be head of the Department such one of the Professors, or if there is no Professor, such one of the Readers as he thinks fit. The

head of the Department shall be responsible to the Dean for the organisation of the teaching in that Department.

(5) The Dean of a Faculty shall be elected by the Faculty from among the heads of Departments of the Faculty, and shall hold office for such term as may be prescribed by the Statutes.

Other
authorities
of the
University.

23. The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University shall be such as may be prescribed by the Statutes.

UNIVERSITY BOARDS

University
Boards.

24. The University shall include a Residence, Health and Discipline Board, a Board of Advanced Studies and such other Boards as may be prescribed by the Statutes.

Constitution
etc., of
Boards to be
prescribed
by
Ordinances.

25. The constitution, powers and duties of the Residence, Health and Discipline Board, the Board of Advanced Studies and of all other Boards of the University shall be prescribed by the Ordinances.

STATUTES, ORDINANCES AND REGULATIONS

Statutes.

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

- (a) the conferment of honorary degrees ;
- (b) the institution of Fellowships, Scholarships, Exhibitions and prizes ;
- (c) the term of office and conditions of service of the Vice-Chancellor ;
- (d) the designations and powers of the officers of the University ;
- (e) the constitution, powers and duties of the authorities of the University ;
- (f) the institution of Colleges and Halls and their maintenance ;
- (g) the conditions for the recognition by the Syndicate of Colleges and Halls, not maintained by the University and for the withdrawal of such recognition, and the management of such Colleges and Halls ;
- (h) the mode of appointment and recognition of teachers of the University ;
- (i) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers, clerical staff and servants of the University ;
- (j) the maintenance of a register of registered graduates ; and
- (k) all matters which by this Act are to be or may be prescribed by the Statutes.

Statutes
how made.

27. (1) On the commencement of this Act, Statutes of the University shall be those set out in the Schedule.

(2) The Statutes may be amended, repealed or added to by Statutes made by the Senate in the manner hereinafter appearing.

(3) The Syndicate may propose to the Senate the draft of any Statutes to be passed by the Senate. Such draft shall be considered by the Senate at its next meeting. The Senate may pass the Statutes, or a part of it, in the form in which it has been proposed, or may reject the Statutes or part of it, or may return the Statute to the Syndicate for reconsideration, either in whole or in part, together with any amendments which the Senate may suggest.

(4) Where any Statute or part of a Statute has been returned to the Syndicate for re-consideration and there is disagreement between the Senate and the Syndicate in relation thereto, the matter shall be referred for decision to the Chancellor whose decision shall be final.

(5) Where any Statute has been passed or a draft of a Statute or part thereof has been rejected by the Senate, it shall be submitted to the Chancellor who may refer the Statute or draft back to the Senate for further consideration or, in the case of a Statute passed by the Senate, assent thereto or withhold his assent. A Statute passed by the Senate shall have no validity until it has been assented to by the Chancellor.

(6) The Syndicate shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Senate, and shall be submitted to the Chancellor.

(7) Any member of the Senate may propose to the Senate the draft of any Statute and the Senate may refer such draft for consideration to the Syndicate, which may either reject the proposal or submit the draft to the Senate in such form as the Syndicate may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Senate by the Syndicate.

28. Subject to the provisions of this Act and the Statutes, the Ordinances, may provide for all or any of the following matters, namely :—

- (a) the admission of students to the University and their enrolment as such ;
- (b) the courses of study to be laid down for all degrees and diplomas of the University ;
- (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University and shall be eligible for degrees and diploma or ;

- (d) the conditions of residence of the students of the University ;
- (e) the emoluments and conditions of service of teachers of the University ;
- (f) the fees to be charged or courses of study in the University and for admission to the examinations, degrees and diplomas of the University ;
- (g) the giving of religious instruction ;
- (h) the formation of Departments of teaching in the Faculties ;
- (i) the constitution, powers and duties of the Boards of the University ;
- (j) the conduct of examinations ; and
- (k) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

Ordinances
how made.

29. (1) Save as otherwise provided in this section, Ordinances shall be made by the Syndicate.

Provided that—

- (i) no Ordinance shall be made affecting the conditions of residence of students, except after consultation with the Residence, Health and Discipline Board, and no Ordinance shall be made—
- (ii) (a) affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University examinations or prescribing the further qualifications mentioned in sub-section (2) of section 35 for admission to the degree courses of the University, or (b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study, unless a draft of such Ordinance has been proposed by the Academic Council.

(2) The Syndicate shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (1), but may reject it or return it to the Academic Council for reconsideration either in whole or in part, together with any amendments which the Syndicate may suggest.

(3) All Ordinances made by the Syndicate shall be submitted, as soon as may be, to the Chancellor and the Senate, and shall be considered by the Senate at its next meeting thereafter. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Syndicate and such Ordinance shall from the date of such resolution be void.

(4) The Chancellor may, at any time after any Ordinance has been considered by the Senate, signify to the Syndicate his disallowance of such Ordinance, and from the date of receipt by the Syndicate of intimation of such disallowance, such ordinance shall become void.

(5) The Chancellor may direct that the operation of any ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of fifteen days from the date of consideration of the Ordinance by the Senate, whichever period expires later.

(6) Where the Syndicate has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Chancellor who may, if he approves the draft, make the Ordinance. An Ordinance made, under this sub-section shall cease to have effect on the expiration of six months from the making thereof.

30. (1) The authorities and the Boards of the University may make Regulations consistent with this Act, the Statutes and the Ordinances—

- (a) laying down the procedure to be observed at their meetings and the numbers of members required to form a quorum ;
- (b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations ; and
- (c) providing for all other matters solely concerning such authorities and Boards and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Syndicate may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the annulment of any Regulation made under sub-section (1) :

Provided that any authority or Board of the University which is dissatisfied with any such direction may appeal to the Chancellor whose decision in the matter shall be final.

RESIDENCE

31. Every student of the University shall reside in a College or a Hall, or under such conditions as may be prescribed by the Statutes and the Ordinances. Residence.

Colleges.

32. (1) The Colleges shall be such as may be recognised by the Syndicate in accordance with this Act and the Statutes. No College shall be recognised unless it fulfils the conditions laid down by the Statutes.

(2) The conditions of residence and instruction in the Colleges shall be prescribed by the Ordinances, and every College shall be subject to inspection by any member of the Residence, Health and Discipline Board authorized in this behalf by the Board and by any officer of the University authorized in this behalf by the Syndicate.

Halls.

33. (1) The Halls shall be such as may be maintained by the University or approved and recognised by the Syndicate on such general or special condition as may be prescribed by the Ordinances.

(2) The Provosts and superintending staff of the Halls shall be appointed in the manner prescribed by the Statutes.

(3) The conditions of residence and instruction in the Halls shall be prescribed by the Ordinances, and every Hall shall be subject to inspection by any member of the Residence, Health and Discipline Board authorized in this behalf by the Board and by any officer of the University or other person authorized in this behalf by the Syndicate.

(4) The Syndicate shall have power to suspend or withdraw the recognition of any Hall which is not conducted in accordance with the conditions prescribed by the Ordinances.

ADMISSION AND EXAMINATIONS

Admission
to University
Courses.

34. (1) Admission of students to the University shall be made by an admission Committee consisting of the Vice-Chancellor and at least one Principal of a College and one Dean of the University appointed for this purpose by the Academic Council.

(2) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination of a recognised University or the Higher Secondary Examination of a recognised University or Board or an examination recognised in accordance with the provisions of this section as equivalent to either such examination, and possess such further qualifications, if any, as may be prescribed by the Ordinances.

(3) The conditions under which students may be admitted to the diploma courses of the University shall be prescribed by the Ordinances.

(4) The University shall not, save with the previous sanction of the Chancellor, recognise (for the purposes of admission to a course of study for a

degree), as equivalent to its own degrees, any degree conferred by any other University, or, as equivalent to the Intermediate, Matriculation or Higher Secondary Examinations, Examination of a recognised University or Board.

35. (1) Subject to the provisions of this Act and of the Statutes, all arrangements for the conduct of examinations shall be made by the Academic Council in such manner as may be required by this Act and the Ordinances.

(2) If, in respect of an examination, any examiner becomes for any cause incapable of acting as such, the Vice-Chancellor shall appoint an examiner to fill the vacancy, and shall report the appointment to the Academic Council.

(3) At least one examiner, who is not a teacher or a person in the service of the University or a College, shall be appointed for each subject included in a Department of teaching and forming part of the course which is required for a degree of the University.

(4) The Academic Council shall appoint examination committees consisting of members of its own body or of other persons or of both, as it thinks fit, to moderate examination questions, to moderate and prepare the results of the examination and to report results of examinations to the Syndicate through the Academic Council for publication.

ANNUAL REPORT AND ACCOUNTS

36. The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes, and shall be considered by the Senate at its annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate.

37. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Syndicate and shall be audited by an authority to be nominated by the Central Government.

(2) The accounts when audited shall be published by the Syndicate in the official Gazette, and copies thereof shall, together with copies of the audit report, if any, be submitted to the Senate, and to the Chancellor. The Syndicate shall also submit to the Senate, on or before such date as may be prescribed by the Statutes, a statement of the financial estimates for the ensuing year.

(3) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions thereon and communicate the same to the Syndicate.

Removal of
names of
registered
graduates.

38. The Chancellor shall, with the concurrence of not less than two-thirds of the members of the Senate for the time being in Pakistan, have power to remove the name of any person from the register of registered graduates.

Disputes as
to constitution
of
University
authorities
and bodies.

39. If any question arises whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University the matter shall be referred to the Chancellor, whose decision thereon shall be final.

Constitution
of
Committees.

40. Where any authority of the University is given power by this Act or the Statutes to appoint committees such committees shall, save as otherwise provided, consist of such members of that authority as may be determined by it and such other persons (if any) as the authority may determine provided that the number of such other members shall not exceed one-fourth of the Committee.

Filling of
casual
vacancies.

41. All casual vacancies among the members (other than *ex officio* members of any authority or other body of the University) shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the members whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings
of
University
authorities
and bodies
not
invalid by
vacancies.

42. No act or proceeding of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Tribunal of
Arbitration.

43. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the Officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Syndicate, one member nominated by the officer or teacher concerned, and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration Act, 1940, and all the provisions of that Act with the exception of section 2 thereof, shall apply accordingly :

X of 1940.

Provided that when the dispute referred to a Tribunal of Arbitration under this Section concerns a teacher of a Constituent college, the power conferred on the Syndicate under this section shall be construed

as a power conferred on the Governing Body of the constituent College.

44. (1) The University and each constituent College shall constitute, for the benefit of its officers, teachers, clerical staff and servants, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident fund as it may deem fit. Pension and provident funds.

(2) Where any such pension, insurance or provident fund has been so constituted the Chancellor may declare that the provisions of the Provident **Funds Act, 1925**, shall apply to such fund as if it were a Government Provident Fund. XIX of 1925

TRANSITORY PROVISIONS

45. If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in first giving effect to the Provisions of this Act, the Chancellor may, at any time before all the authorities of the University have been constituted, by order make any appointment or do any thing, consistent so far as may be with the provisions of this Act, and the Statutes, which appears to him necessary or expedient for the purpose of removing the difficulty, and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act : Removal of difficulties.

Provided that, before making any such order, the Chancellor shall ascertain and consider the opinion of the Vice-Chancellor, if a Vice-Chancellor has been appointed, and of such of the authorities of the University as have been constituted on the proposed order.

46. Notwithstanding anything contained in this Act or the Ordinances, any student of any of the recognised Colleges at Karachi, who immediately before the commencement of this Act, was studying for any examination of the University of Sind, shall be permitted to complete his course in preparation therefor, and the University shall provide for such students instruction and examinations in accordance with the provisions of the Sind University Act. Completion of Courses for students at Karachi Colleges.

Explanation.—In this section the phrase “course in preparation therefor” means in the case of degree examinations the courses prescribed for the degree examination to which a student in the normal course is entitled to be admitted and for which he has started his studies, and in the case of Intermediate Examination the courses prescribed for the Intermediate Examinations to which a student in the normal course is entitled to be admitted and for which he has started his studies.

UNIVERSITY OF KARACHI

THE SCHEDULE

The Statutes of the University

[See Section 28 (1)]

1. Definitions.—In these Statutes, unless there is anything repugnant in the subject or context—

- (a) "the Act" means the University of Karachi Act, 1950, as amended from time to time and "section" means a section of the Act; and
- (b) "officers," "authorities," "Professors," "Readers," "Lecturers," "clerical staff," "and servants" mean respectively, officers, authorities, Professors, Readers, Lecturers, clerical staff and servants of the University.

2. Constitution of the Senate.—(1) In addition to the officers mentioned in sub-section (1) of section 16, the following persons such be *ex officio* members of the Senate, namely:—

- (i) the Chief Justice of Pakistan;
- (ii) the Director-General, Health;
- (iii) the Educational Adviser to the Government of Pakistan;
- (iv) the Chairman, Pakistan Public Service Commission;
- (v) the Vice-Chancellor of the Punjab University;
- (vi) the Vice-Chancellor of the Dacca University;
- (vii) the Vice-Chancellor of the Sind University;
- (viii) the Vice-Chancellor of the Peshawar University;
- (ix) the Director of Education, Karachi;
- (x) the Chief Medical Officer, Karachi;
- (xi) President, Karachi Board of Secondary Education;
- (xii) Chairman, Port Trust, Karachi;
- (xiii) Deputy Educational Adviser (Technical);
- (xiv) One Senior Education Officer of Defence Services, Educational institutions to be nominated by Central Government.
- (xv) Chairman, Central Engineering Authority;
- (xvi) Mayor, Karachi Corporation.

(2) The number of graduates to be elected as members of the Senate by the registered graduates from among their own body shall be twenty-five.

(3) The number of teachers to be elected as members of the Senate by the teachers other than *ex officio* members, shall be ten.

(4) The number of persons to be elected by the members of the Federal Legislature from among their own numbers shall be five.

(5) The number of persons to be appointed by the Chancellor under clause (xviii) of sub-section (1) of section 16 shall be twenty-five.

(6) Save as otherwise provided, members of the senate other than *ex officio* members shall hold office for a period of three years:

Provided however that a member nominated or elected in this capacity as member of a particular body or as the holder of a particular

appointment shall hold office so long only within the said period as he continues to be a member of that body or the holder of that appointment as the case may be.

3. The Annual Report of the University shall be submitted to the Senate not less than twenty-one days before the annual meeting of the Senate.

4. The Syndicate shall submit to the Senate not less than twenty-one days before the annual meeting of the Senate a statement of the financial estimates for the ensuing year.

5. Constitution of the Syndicate.—(1) The members of the Syndicate in addition to the Vice-Chancellor, and the Treasurer shall be—

EX OFFICIO MEMBERS

- (i) the Deans of the Faculties ;
- (ii) two Principals of recognised Colleges (elected by themselves) ;
- (iii) two Provosts of University Halls (elected by themselves) ;
- (iv) the Educational Adviser to the Government of Pakistan ;

OTHER MEMBERS

- (v) five members of the Senate elected by the Senate at its annual meeting, of whom at least two shall be graduates of the University elected by the registered graduates from among their own number ;
- (vi) four persons nominated by the Chancellor of whom at least one shall be a woman.

(2) Members other than *ex officio* members shall hold office for a period of three years :

Provided that members elected by any body of persons from among their own number shall hold office so long only within the said period as they continue to be members of the body which elected them.

6. Powers of the Syndicate.—Subject to the provisions of the Act, the Syndicate shall have the following powers, namely :—

- (a) to institute, at its discretion, such Professorships, Readerships, Lecturerships or other teaching posts as may be proposed by the Academic Council ;
- (b) to abolish or suspend, after report from the Academic Council thereon, any Professorship, Readership, Lecturership, or other teaching post ;
- (c) to appoint or recognise teachers of the University and to appoint officers, clerical staff and other servants, in accordance with the Statutes ;
- (d) to delegate, subject to such conditions as may be prescribed by Regulations, its power to appoint officers, clerical staff and servants to such person or authority as the Syndicate may determine ;
- (e) to manage and regulate the finances, accounts, investments, property and all administrative affairs whatsoever of the University, and, for that purpose, to appoint such agents as it may think fit ;
- (f) to accept bequests, donations and transfers of property to the University :

Provided that all such bequests, donations and transfers shall be

reported to the Senate at its next meeting ;

- (g) to provide the buildings, premises, furniture, apparatus, equipment and other means needed for carrying on the work of the University ;
- (h) after report from the Finance Committee, to enter into, vary, carry out, confirm and cancel contracts on behalf of the University ;
- (i) to invest any monies belonging to the University including any unapplied income, in any of the securities described in section 20 of the Trusts Act, 1882, (II of 1882), or in the purchase of immovable property in Pakistan with the like power of varying such investments or to place on fixed deposit in any bank approved in this behalf by the Central Government any portion of such monies not required for immediate expenditure.

7. Finance Committee.—The Finance Committee will be constituted as follows :—

- (i) Treasurer, Chairman ;
- (ii) Vice-Chancellor ;
- (iii) } Two Deans of the University to be elected by the Syndicate ;
- (iv) }
- (v) One Principal or Provost to be elected by the Syndicate ;
- (vi) } Two representatives of the Senate on the Syndicate to be
- (vii) } elected by the Syndicate ;
- (viii) The Registrar shall be the Secretary to the Finance Committee.

8. The Academic Council.—(1) The members of the Academic Council in addition to the Vice-Chancellor shall be—

EX OFFICIO MEMBERS

- (i) Educational Adviser to the Government of Pakistan ;
- (ii) the Deans of the Faculties ;
- (iii) the Principals ;
- (iv) the Heads of Departments ;
- (v) the Provosts ;
- (vi) the Professors, other than the Heads of Departments ; and
- (vii) the Librarian of the University ;

OTHER MEMBERS

- (viii) persons, if any not exceeding three in number and not being teachers, appointed by the Chancellor on account of their possessing expert knowledge in such subjects of study as may be specified by the *ex officio* members of the Academic Council ;
- (ix) two persons appointed by the Chancellor who are capable of advising the Academic Council on subjects connected with Islamic learning and culture ;
- (x) two persons elected by the Senate ;
- (xi) four teachers to be elected by the teachers of the University from amongst themselves

(2) Members, other than *ex officio* members shall hold office for a period of three years :

Provided that teachers of the University elected under clause (xi) shall hold office so long only within the said period as they continue to be teachers.

9. Powers of the Academic Council.—The Academic Council shall have the following powers, namely :—

- (a) to make proposals to the Syndicate for the institution of Professorships, Readerships, Lecturerships or other teaching posts and in regard to the duties and emoluments thereof ;
- (b) to make Regulations for, and to award in accordance with such Regulations, Fellowships, Scholarships, Exhibitions, Bursaries, medals and other rewards ;
- (c) to appoint examiners after report from the Faculties concerned ;
- (d) to frame Regulations regarding the use of the University Library and to appoint a Library Committee to supervise the working of the Library ;
- (e) to assign subjects to the Faculties ;
- (f) to assign teachers to the Faculties ;
- (g) to promote research within the University and to require reports on such research from the persons employed thereon ;
- (h) to provide for the inspection of Colleges and Halls in respect of the instruction and discipline therein, and to submit reports thereon to the Syndicate ;
- (i) to organise and control the teaching of the University and of the constituent Colleges, and maintain standard of teaching therein.

10. The Faculties.—(1) Each Faculty shall consist of—

- (i) the Heads of the Departments comprised in the Faculty ;
- (ii) such teachers of subjects assigned to the Faculty as may be appointed to the Faculty by the Academic Council ;
- (iii) such teachers of subjects not assigned to the Faculty but having in the opinion of the Academic Council, an important bearing on those subjects, as may be appointed to the Faculty by the Academic Council. The number of such teachers shall not exceed two ;
- (iv) such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty. The number of persons shall not exceed two.

(2) The total number of members of each Faculty shall not exceed in the case of the Faculties of Arts, Science and Medicine twenty-five, and in the case of any other Faculty, fifteen except with the sanction of the Chancellor given on request of the Academic Council.

(3) **Powers of the Faculties.**—Subject to the provisions of the Act each Faculty shall have the following powers, namely :—

- (a) to constitute Committee of Courses and Studies ;
- (b) to recommend to the Academic Council the courses of studies for the different examinations, after consulting the Committees of Courses and Studies ;

- (c) to recommend to the Academic Council after consulting the Committees of Courses and Studies, the names of examiners in subjects assigned to the Faculty ;
 - (d) to recommend to the Academic Council, the conditions for the award of degrees, diplomas and other distinctions ;
 - (e) to deal with any matter referred to it by the Academic Council.
- (4) **The Dean.**—(a) The Dean of each Faculty shall be the executive officer of the Faculty, and shall preside at its meetings. He shall hold office for three years.
- (b) He shall issue the lecture lists of the University in Departments comprised in the Faculty, and shall be responsible for the conduct of teaching therein.
 - (c) He shall have the right to be present and to speak at any meeting of any committee of the Faculty, but not to vote unless he is a member of the Committee.

11. Board of Co-ordination.—There shall be a Board of Co-ordination composed of Vice-Chancellor, who shall be Chairman thereof, the Deans of the Faculties, Principals of constituent colleges and the Registrar, to co-ordinate the teaching of the University including constituent colleges, and in particular to co-ordinate the work and time-tables of the various Faculties, and to assign lecture rooms, laboratories and other rooms to the Faculties.

12. Provost.—The appointment of a Provost shall, in the case of a Hall maintained by the University, be made by the Syndicate and in other cases be subject to the approval of the Syndicate.

13. Attachment to Colleges and Halls.—Every student not residing in a College or Hall shall be attached to a College or Hall for tutorial help and disciplinary supervision and for such other purposes as may be prescribed by the Ordinances :

Provided that special exemption from the provisions of this Statute may be extended to women students under conditions to be prescribed by the Ordinances.

14. Withdrawal of Degrees and Diplomas.—The Senate may, on the recommendation of the Syndicate by a resolution passed with the concurrence of not less than two-thirds of the members voting, withdraw any degree or diploma conferred by the University.

15. Honorary Degrees.—A proposal for the conferment of an honorary degree shall be made by the Academic Council to the Syndicate and if accepted by the Syndicate shall be forwarded to the Chancellor for approval.

16. Registered Graduates.—(1) The following persons shall, on payment of Rupees twenty be entitled to have their names enrolled in the register of registered graduates namely all graduates of the University of three year's standing and upwards :

Provided that for five years after the establishment of the University, graduates of other Universities of not less than ten years standing may, on payment of the same fees, be registered, as graduates on obtaining *ad eundem* degrees which the University shall confer for this purpose alone during this period.

(2) **Registration of Graduates.**—Application for enrolment in the register of registered graduates shall be made in the applicant's own handwriting to the Registrar in the form prescribed for the purpose by Regulations.

17. Committee of Selection.—(1) No person shall be appointed or recognised as a teacher of the University except on the recommendation of a Committee of Selection Constituted for the purpose.

(2) The Committee of Selection for the appointment and recognition of Professors and Readers shall consist of the following members, namely :—

- (i) the Vice-Chancellor ;
- (ii) the Educational Adviser to the Government of Pakistan ;
- (iii) a person appointed by the Syndicate ;
- (iv) a person appointed by the Academic Council ;
- (v) three persons having expert knowledge of the subject to be nominated by the Chancellor.

(3) The Committee of Selection appointed under sub-clause (i) shall report to the Syndicate which shall, if it accepts the recommendation of the Committee, make the appointment or confirm the recognition as the case may be. If the Syndicate does not accept the recommendation of the Committee, it shall refer the case to the Chancellor who shall appoint or recognise such persons as he thinks fit :

Provided that before referring the case to the Chancellor, the Syndicate shall inform the College concerned of its decision and the grounds therefor, and the College shall be entitled to make representation thereon. The representation of the College, if any, together with the decision of the Syndicate and the grounds therefor, shall be laid before the Chancellor.

(4) Nothing in this Statute shall be construed as prohibiting the University from accepting a gift for the establishment of a Professorship, Lecturership or other post, subject to the condition that the person appointed to the post shall be selected in such manner as may be agreed upon between the donor and the University.

(5) Teachers other than Professors and Readers shall be selected and recognized in such manner as may be prescribed by the Ordinances.

18. Recognition of teachers.—(1) The qualifications of recognised teachers of the University shall be such as may be determined by the Ordinances.

(2) All applications for the recognition of teachers of the University shall be made in such manner as may be laid down by the Regulations made by the Syndicate in that behalf.

(3) The period of recognition of a teacher of the University as Professor or Reader shall be determined by Ordinances made in that behalf. A person in the service of a College, recognised as a teacher of the University otherwise than as a Professor or Reader, shall continue to be recognised so long as he is in the service of the College.

(4) The Syndicate may, on a reference from the Vice-Chancellor, withdraw recognition from a teacher :

Provided that the teacher or the College concerned may, within a period of thirty days from the date of the order of withdrawal, appeal against the order to the Chancellor, whose decision shall be final.

19. The Faculties.—(1) The following Faculties shall be included in the University, namely :—

- the Faculty of Islamic Learning,
- the Faculty of Arts,
- the Faculty of Science,
- the Faculty of Law,

the Faculty of Medicine,
 the Faculty of Education,
 the Faculty of Agriculture and Forestry,
 the Faculty of Engineering and Technology,
 the Faculty of Commerce.

(2) The members of each Faculty other than those mentioned in sub-clause (i) of Statute 9 shall hold office for a period of two years.

20. The University teachers.—(1) Teachers of the University shall be—

- (i) appointed teachers of the University,
- (ii) recognised teachers of the University.

(2) Appointed teachers of the University shall be either—

- (a) servants of the University paid by the University and appointed as Professors, Readers or Lecturers or otherwise as teachers of the University, or
- (b) persons appointed as Honorary Professors, Readers or Lecturers or otherwise as teachers of the University.

(3) "Recognised teachers of the University" shall be members of the staff of a recognised College of the University, recognised as Professors, Readers or Lecturers, or otherwise as teachers of the University, whose teaching in their own College, in subjects for which they are recognised, shall be regarded as recognised teaching in Courses of Study pursued in the University.

21. Term of office and salary of Vice-Chancellor.—The Vice-Chancellor shall hold office for a period of three years, and will draw a salary of two thousand five hundred rupees per mensem and will be entitled to a rent-free house.

22. The Syndicate may establish Research Fellowships and Post-Graduate Scholarships of such value as it may from time to time determine tenable for a period not exceeding two years, for the encouragement of research or original work in such subjects and under such conditions as the Academic Council may by Regulations prescribe.

23. (1) The Syndicate may establish University scholarships of such value as it may from time to time determine tenable for two years in the Master of Arts, and the Master of Science classes; and for one year in any one of the Law classes under such conditions as the Academic Council may by Regulations prescribe.

(2) The Syndicate may establish University entrance scholarships of such value as it may from time to time determine tenable for three years in each case for the benefit of students desirous of reading for the Bachelor of Arts Honours or the Bachelor of Science Honours Course in the University under such conditions as the Academic Council may by Regulations prescribe.

24. Provident (Permanent appointment) Fund.—(1) There shall be a Provident Fund for the benefit of the permanent officers, teachers, clerical staff and other servants of the University.

(2) The Management of the Provident Fund shall vest in the Syndicate which may, from time to time, make Regulations or issue such general or special directions as may be consistent with the Statutes as to—

- (a) the conduct of the business of the Fund, and
- (b) any matter relating to the Fund, or its management or the privileges of the depositors, not herein expressly provided

for, or vary, or cancel any Regulations made or directions given.

- (i) Every servant of the University holding a permanent substantive appointment and receiving a salary of thirty rupees per mensem or more shall be entitled and required to subscribe to the Provident Fund. Part-time temporary or officiating servants, or servants appointed for fixed periods, shall not be so entitled.
- (ii) Persons appointed on probation to substantive appointments will be entitled to subscribe to the Provident Fund, but in case their services terminate before they have completed 3 years' service, they shall not be entitled to receive any portion of the University contribution or the interest accruing thereon.
- (iii) No employee of the University shall be entitled to the benefits of the Provident Fund whose services in the University entitle him to a pension or on whose account the University contributes towards his pension or who has been appointed by the University on a consolidated salary or on special terms.
- (iv) The Syndicate may in the case of a person appointed to a substantive post, permit the transfer to the Provident Fund of any moneys standing to his credit in any recognised Provident Fund to which he was subscriber immediately before his appointment in the University, and may, with his consent, make such arrangements with the authorities of that Provident Fund for the purposes of the transfer, whether in the form of cash or securities, or of both, as may be convenient.

(3) Every servant of the University entitled to the benefits of the Provident Fund shall be required to sign a written declaration in the prescribed form that he has read this Statute and agrees to abide by it, and shall hand in for registration in the University Office the names of the person or persons to whom he wishes the balance at his credit to be paid in the event of his death.

The subscriber may, from time to time, add or change his nominee by written application to the Syndicate.

A register of such nominees shall be kept in the University Office.

(4) The rate of subscription shall be $8\frac{1}{3}$ per cent. of the monthly salary and the amount calculated on this basis shall be deducted from the monthly salary of the employee.

Note.—No subscription or contribution shall be made to the Provident Fund of an employee who is on leave without pay.

(5) The University shall, in the case of each subscriber, make a monthly contribution at the rate of $8\frac{1}{3}$ per cent. of his salary.

(6) (i) The amounts accruing to the Fund shall be placed in such bank or banks as may be approved, from time to time, by the Syndicate, or invested in securities authorised by the Trusts Act, 1882, at the discretion of the Syndicate. II of 1882.

Interest at the rate fixed for the purpose by the Syndicate from time to time, shall be credited to each subscriber's account.

(ii) The subscription paid by the subscriber and the contribution by the University shall be entered monthly in a separate account for each subscriber.

(iii) The accounts of the Fund shall be audited once a year and a statement of the total amount to the credit of each subscriber shall be furnished to him.

(7) A subscriber at the termination of his service shall be entitled to receive the amount which accumulated to his credit.

(8) On a subscriber's death, the amount at the credit of the subscriber shall be paid to the person or persons duly nominated by him or when no such nomination is made, to his legal heir or heirs.

(9) The amount at the credit of a subscriber shall not be subject to any deduction even to cover loss or damage sustained by the University through the subscriber's misconduct or negligence.

(10) (i) No final withdrawal shall be allowed until the termination of the subscriber's service or his death. But in the case of necessity of which the Syndicate shall be the sole judge, the Syndicate may allow a subscriber an advance of a sum not exceeding the total amount subscribed by him at a rate of interest one per cent. higher than the rate at which the interest is credited to subscribers.

(ii) Recoveries towards the amount advanced shall be made with interest in monthly instalments not exceeding thirty as may be decided by the Syndicate, commencing from the first payment of a full month's salary after the advance is granted, but no recovery shall be made from a subscriber when he is on leave otherwise than on full pay.

(iii) When a subscriber has already taken an advance, he shall not be eligible for a fresh advance until the amount already advanced has been fully paid up.

Note.—In the foregoing clauses of this Statute, "subscription" means the amount paid by the subscriber and "contribution" means the amount contributed by the University.

25. Provident (temporary appointment) Fund.—(1) There shall be a Provident Fund for the benefit of the officers, teachers, clerical staff and other servants of the University, appointed to a substantive post for a period of not less than 2 years.

(2) The management of the Provident Fund shall vest in the Syndicate which may, from time to time, make Regulations or issue such general or special directions as may be consistent with the Statutes as to—

(a) the conduct of the business of the Fund, and

(b) any matter relating to the Fund, or its management or the privileges of the depositors, not herein provided for, or vary, or cancel any Regulations made or directions given.

(3) (i) Every whole-time servant of the University appointed to substantive post for a period of not less than two years and receiving a salary of thirty rupees per mensem or more shall be entitled and required to subscribe to the Provident Fund.

(ii) Persons appointed on probation to substantive appointments will be entitled to subscribe to the Provident Fund but in case their services terminate before their confirmation they shall not be entitled to receive any portion of the University contribution or the interest accruing thereon.

(iii) No employee of the University shall be entitled to the benefits of the Provident Fund whose services in the University entitle him to a pension or on whose account the University contributes towards his pension or who has been appointed by the University on a consolidated salary or on special terms.

(iv) The Syndicate may, in the case of a person appointed to substantive post, permit the transfer to the Provident Fund of any moneys standing to his credit in any recognised Provident Fund to which he was a subscriber immediately before his appointment in the University, and may, with his consent, make such arrangements with the authorities of that other Provident Fund for the purposes of the transfer, whether in the form of cash or of securities, or of both, as may be convenient.

(4) Every servant of the University entitled to the benefit of the Provident Fund shall be required to sign a written declaration in the prescribed form that he has read this Statute and agrees to abide by it, and shall hand in for registration in the University Office the names of the person or persons to whom he wishes the balance at his credit to be paid in the event of his death.

The subscriber may, from time to time, add or change his nominee by written application to the Syndicate.

A register of such nominees shall be kept in the University office.

(5) The rate of subscription shall be 8-1/3 per cent. of the monthly salary, and the amount calculated on this basis shall be deducted from the monthly salary of the employee.

Note.—No subscription or contribution shall be made to the Provident Fund of an employee who is on leave without pay.

(6) The University shall, in the case of each subscriber, make a monthly contribution at the rate of 8-1/3 per cent.

(7) (i) The amounts accruing to the fund shall be placed in such Bank or Banks as may be approved, from time to time, by the Syndicate or invested in securities authorised by the Trusts Act, 1882, (II of 1882) at the discretion of the Syndicate.

(ii) The subscription paid by a subscriber and the contribution by the University shall be entered monthly in a separate account for each subscriber.

(iii) The accounts of the fund shall be audited once a year and a statement of the total amount to the credit of each subscriber shall be furnished to him.

(8) A subscriber at the termination of his services shall be entitled to receive the amount which accumulates to his credit.

(9) On a subscriber's death, the amount at the credit of the subscriber shall be paid to the person or persons duly nominated by him or when no such nomination is made, to his legal heir or heirs.

(10) The amount at the credit of a subscriber shall not be subject to any deduction even to cover loss or damage sustained by the University through the subscriber's misconduct or negligence.

(11) (i) No final withdrawal shall be allowed until the termination of the subscriber's service or his death. But in case of necessity of which the Syndicate shall be the sole judge, the Syndicate may allow a

subscriber an advance of a sum not exceeding the total amount subscribed by him at a rate of interest of one per cent. higher than the rate at which interest is credited to subscribers.

(ii) Recoveries towards the amount advanced shall be made with interest in monthly instalments not exceeding thirty as may be decided by the Syndicate commencing from the first payment of a full month's salary after the advance is granted, but no recovery shall be made from a subscriber when he is on leave otherwise than on full pay.

(iii) When a subscriber has already taken an advance, he shall not be eligible for a fresh advance until the amount already advanced has been fully paid up.

Note.—In the foregoing clauses of this Statute, "subscription" means the amount paid by the subscriber and "contribution" means the amount contributed by the University.

26. General Provisions relating to Colleges.—(1) Save as otherwise provided in the Act, all Colleges shall be in close proximity to one another and to the University and shall ordinarily be located in the University campus :

Provided that the Syndicate shall have the power to exempt from the provisions of the foregoing clause temporarily, or, if necessary, permanently, a College which is unable to comply therewith for want of a suitable site or an adequate grant-in-aid for building or maintenance.

(2) Every recognised College shall be a public educational institution; the whole of its funds shall be appropriated to its own educational purposes and shall be fully controlled by its Governing Body.

(3) Each College recognised by the University shall be managed by a regularly constituted Governing Body which shall include the Principal and at least two other members of the teaching staff of the College elected by the teaching staff including the Principal and not less than two members appointed by the University. The rules relating to the constitution and powers of the Governing Body and the appointment, powers and duties of the Chairman and other officers of the Governing Body shall be such as may be prescribed by the Ordinances.

(4) Any change in the constitution, powers or personnel of the Governing Body of a recognised College shall be previously approved by the Syndicate.

(5) The Principal of a College shall be responsible for the internal administration and discipline of the College.

(6) Every College shall have a duly constituted College Council properly representative of the teaching staff, to advise the Principal in the administration of the College.

(7) Every College shall satisfy the Syndicate that adequate financial provision is available for its continued and efficient maintenance, either in the form of an endowment, or by an undertaking given by the body maintaining it.

(8) Tuition and other fees fixed by a College shall not be below the minimum rates or above the maximum rates prescribed by the Ordinances in this behalf.

(9) Every College shall comply with the relevant Statutes, Ordinances and Regulations of the University.

(10) Admission of students to a College shall be subject to the conditions prescribed by the Ordinances in this behalf.

(11) Each College shall conform to the University terms, vacations and holidays.

(12) Every College shall maintain such registers and records as may be prescribed by the Ordinances and furnish such statistical and other information as the University may from time to time specify.

(13) Every College shall submit each year by a date to be fixed by the Syndicate a report to the Syndicate on the working of the College during the previous year, giving the particulars and circumstances of any change in the staff or the management, the number of students and a statement of income and expenditure and such other information as may be required.

(14) Every College shall submit on or before 15th November each year a full statement of its financial requirements to the Syndicate for submission to the Government.

(15) When a College ceases to exist with the sanction of the University, the disposal of its assets, where not specifically provided for, shall be settled by the Governing Body, the University and the Central Government in consultation. If these bodies fail to reach an agreement, the Central Government shall appoint an arbitrator whose decision shall be final.

(16) Every Governing Body shall maintain a Provident Fund for the benefit of members of its teaching staff, in accordance with rules prescribed by the Central Government.

(17) All trust funds belonging to the College or under the control of the Governing Body shall be shown separately in the accounts of the College.

(18) Investment of funds belonging to the College or under the control of the Governing Body shall be made in property and securities authorised by law for the investment of trust funds or such other classes of security as may, from time to time, be approved by the Central Government.

(19) The salaries, grades and conditions of service for all teachers employed by Colleges shall be determined by Ordinances.

27. (1) The Syndicate shall not proceed with the establishment of a College maintained by the University save on the report of a Committee setting forth such proposals and recommendations as the Committee may, having regard to the monies available, see fit to make, with regard to the building, equipment, and organisation of the College and of the instruction to be given therein, together with such estimates of cost as it may be reasonably possible to frame.

(2) Every College maintained by the University shall be managed by a Governing Body which shall include the Vice-Chancellor, who shall be Chairman, the Treasurer of the University, the Principal of the College, one member elected by the Deans of Faculties from among their own number, two members elected by the teaching staff from among their own number, and not less than three nor more than five members nominated by the Syndicate :

Provided that in the case of a Women's College, at least two members nominated by the Syndicate shall be women.

(3) The provisions of paragraphs 5, 6, 8, 9, 10, 12, 13 and 16 of Statute 30 shall apply to Colleges maintained by the University as they apply to Colleges recognised by the University.

28. (1) A College applying for recognition by the University shall make a written application to the Registrar so as to reach him not later than 15th October preceding the academic year from which the recognition sought is to take effect.

(2) A College applying for recognition shall satisfy the University on the following points :—

- (a) that it guarantees a satisfactory standard of educational efficiency for the purpose for which recognition is sought, and that it is established on a permanent basis ;
- (b) that its financial resources are such as to make due provision for its continued maintenance ;
- (c) that it is under proper management and is suitably organised ;
- (d) that its buildings are suitable and sufficient ;
- (e) that the furniture and library and laboratory equipment are adequate ;
- (f) that the provision for the residence, discipline and supervision of students is satisfactory ;
- (g) that due provision is made for the health and recreation of students ;
- (h) that the qualifications and number of its teaching staff are adequate, and the conditions of their service such as may be approved by the University ;
- (i) such other matters as are necessary for the maintenance of the tone and standards of the University education.

(3) A College applying for recognition shall give full information in the application on the following matters :—

- (a) constitution and personnel of its Governing Body ;
- (b) standards and subjects in respect of which recognition is sought ;
- (c) accommodation, library and laboratory equipment and strength of the College ;
- (d) number, qualifications, work, emoluments and conditions of service of teachers ;
- (e) provision for hostels, playgrounds and the residence of the Principal and other members of the staff ;
- (f) fees proposed to be levied ;
- (g) the financial provision made for the continued maintenance of the College ;
- (h) such other matters as may be prescribed by the ordinances.

(4) The Syndicate if satisfied with respect to the matters mentioned in the foregoing sub-clause (2) and that it is otherwise desirable that the College should be recognised shall recognise the College as a College of the University :

Provided that recognition shall in no case be granted with retrospective effect beyond the date on which the application was made.

(5) Where a College desires to raise the standard or alter the subjects in respect of which it is recognised, the procedure hereinbefore prescribed shall, so far as applicable, be followed.

(6) The Syndicate may, after due enquiry and after consultation with the Academic Council by a majority of all the then members of the Syndicate, withdraw the recognition granted to a College which has failed to comply with the conditions prescribed by the Statutes and Ordinances or imposed by the Syndicate at the date of recognition or any later date. The Syndicate shall give the College an opportunity of appearing at any such enquiry as aforesaid and of making representations on its own behalf. The Syndicate shall inform the College of its decision and the College shall be entitled to appeal to the Chancellor within thirty days of the receipt of any decision of the Syndicate to withdraw recognition, and the decision of the Chancellor on the appeal shall be final.

29. (1) Every recognised College shall have on its staff a minimum number of teachers maintained for co-operative teaching. The number of teachers and the scope of teaching shall be specified in each case by the University.

(2) Every teacher in a recognised College shall be employed under a written contract stating the conditions of his service and the salary to be paid to him; a copy of this contract shall be given to each teacher and a copy shall be lodged with the University.

(3) Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the Officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Syndicate, one member nominated by the officer or teacher concerned, and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration Act, 1940, and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly:

Provided that when the dispute referred to a Tribunal of Arbitration under this Statute concerns a teacher of a constituent college, the power conferred on the Syndicate under this Statute shall be construed as a power conferred on the Governing Body of the constituent college:

Provided further that this clause shall not apply in the case of a dispute arising in connection with the termination of the service of either the Principal or any member of the teaching staff of a recognised College who is on probation or on a temporary basis.

(4) Every recognised College shall maintain a reasonable proportion of recognised teachers to student on its rolls. Such proportion and the maximum number of students on the rolls shall be determined by an Ordinance.

(5) In the case of a recognised College for Women the staff shall, as far as possible, be composed of women only.

(6) The rules framed by the Governing Body of each recognised College regarding the qualifications, emoluments and the conditions of service of every teacher in that recognised College shall be such as may be approved by the University.

(7) A teacher dismissed for misconduct by a recognised College shall not be employed by any other recognised College without the previous consent in writing of the recognised College dismissing.

30. (1) Every Hall maintained by the University shall be managed by a Governing Body which shall include the Provost of the Hall, three members elected by the Deans of Faculties from among their own number, one member elected by University teachers resident in the Hall and one member nominated by the Syndicate.

(2) The Provost of the Hall shall be responsible for the internal administration and discipline of the Hall.

(3) Every Hall shall comply with the relevant Statutes, Ordinances and Regulations of the University.

(4) Every Hall shall maintain such registers and records as may be prescribed by the University and shall furnish such other statistical information as the University may from time to time require, and its account shall be subject to audit by the University.

(5) Every Hall shall submit each year by a date to be fixed by the University a report on the working of the Hall for the previous year, the number of residents and a statement of income and expenditure and such further information as may be required.

31. (1) Every College and Hall shall make adequate provision for the residence of its students not residing with their parents or recognised guardians and shall provide adequate facilities for the physical exercise, discipline and health of its students.

(2) The conditions of residence in Colleges and Halls shall be prescribed by the Ordinances and every College and Hall shall be subject to inspection by or on behalf of the Board of Residence, Health and Discipline or by any person authorised in that behalf by the Syndicate.

(3) Every College to which women students as well as men are admitted shall provide separate reading and retiring rooms and other necessary conveniences for women students.

(4) The Syndicate shall also have the power to cause an enquiry to be made in respect of any matter connected with a College. In every case notice shall be given to the management of the College of the intention to cause an enquiry to be made and the management shall be entitled to be represented thereat.

(5) The Syndicate shall communicate the report of any such inspection or enquiry to the College concerned and may after considering any representation made by the College, direct the College to take such action as may be specified and the College shall take action as directed within such period as may be fixed.

32. (1) A College shall provide instruction in such subjects and up to such standard as it may be authorised to do, from time to time, by the Syndicate on the advice of the Academic Council.

(2) A College may not, without the previous permission of the Syndicate and the Academic Council, suspend instruction in any subject which it is authorised to teach and teaches.

(3) The Syndicate may after considering the advice of the Academic Council and in consultation with the authorities of the recognised College or Colleges of the University, direct that such part of the teaching of the University as may be prescribed by the Ordinances may be provided on a basis of co-operation among the Colleges or among the Colleges and the University.

(4) Teaching in the Bachelor of Arts Honours and Post-graduate courses may be organised by the Academic Council on a basis of co-operation between the University and the Colleges or among the Colleges themselves through the Deans of Faculties concerned, and co-ordinated by the Board of Co-ordination. The principle of co-operative teaching may likewise be extended to the Bachelor of Arts Pass in some selected departments or subjects where the small size of the classes makes its application possible or the nature of the subjects taught makes it desirable. Lectures delivered by a recognised teacher of a College under this clause, or by an appointed teacher of the University, shall be open to all students pursuing the course of study concerned in any College in the University.

(5) Subject as aforesaid, arrangement for teaching in a College shall be made by the Principal of the College and the time-table of each College for this teaching shall be framed by the Principal in co-operation with the Deans of the Faculties concerned.

(6) Lectures delivered by a recognised teacher of the University for the benefit of students of his own College may be open to students of any other College or Colleges under the direction of the Academic Council after securing the consent of the authorities of the College to which the teacher belongs.

(7) Every College shall from time to time in respect of all matters relating to the teaching given therein be subject to inspection by or on behalf of the Academic Council, and the Syndicate on receiving the report of any such inspection shall communicate the same to the College concerned and may, after receiving any representation made by the College, direct the College to take such action as may be specified; and the College shall take action as directed within such period as may be fixed.

33. The University may accord recognition to a Hall not maintained by them on such conditions as the University may think fit.

ACT NO. LX OF 1950.¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Income-tax Act, 1922.

XI of 1922. WHEREAS it is expedient further to amend the Income-tax Act, 1922, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Income-tax Short title
(Amendment) Act, 1950. and com-
mencement.

(2) It shall come into force at once.

CHAPTER II

XI of 1922. 2. In sub-section (2) of section 44B of the Income- Amendment
tax Act, 1922 (hereinafter in this Chapter referred to of section
as the said Act) for the words "one-twentieth", the 44B, Act XI
words "one-sixth" shall be substituted. of 1922.

3. (a) In clause (iv) of sub-section (2) of section 61 of the said Act, after the words "'Income-tax practitioner' means" the following shall be inserted, namely :—

" a person registered as an income-tax practitioner by the Central Board of Revenue in the manner prescribed and being a person qualified under any of the following sub-clauses, that is to say— "

(b) To section 61 of the said Act, after sub-section (3) the following new sub-section shall be added, namely :—

" (4) No person previously in Government service in the Income-tax Department who has resigned from such service on or after the first day of October 1950 shall be entitled to represent an assessee under sub-section (1) as a lawyer, accountant or income-tax practitioner for a period of three years from the date of termination of such service. "

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Part V, pp. 256-257.

ACT NO. LXI OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to enable the immediate imposition of protective duties of customs on imported goods.

WHEREAS it is expedient to enable the Central Government to impose with immediate effect protective duties of customs on goods produced or manufactured outside Pakistan and imported into the Provinces or the Capital of the Federation where such imposition is urgently necessary in the interest of industries established in the Provinces or the Capital of the Federation ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Protective Duties Act, 1950. Short title, extent and commencement.

(2) It extends to all the Provinces and the Capital of the Federation.

(3) It shall come into force at once.

2. (1) If the Central Government, upon a recommendation made to it in this behalf by the Tariff Commission set up by the Central Government, is of opinion that it is urgently necessary to provide for the protection of the interests of any industry established in the Provinces or the Capital of the Federation, the Central Government may, by notification in the official Gazette, impose on any goods, produced or manufactured in any country outside Pakistan and imported into the Provinces or the Capital of the Federation in respect of which the said recommendation is made, a duty of customs of such amount as it thinks fit. Powers of Central Government to impose duties of Customs.

XXXII of 1954.

XII of 1942.

(2) Every duty imposed under sub-section (1) shall be deemed to be a duty leviable under the Tariff Act, 1934, and shall be in addition to any duties imposed under that Act or any other law for the time being in force, but shall not be included in the duty of customs upon which any additional duty imposed by section 6 of the Indian Finance Act, 1942, and continued, subject to certain modifications by certain subsequent Acts of the Central Legislature, is calculated, or operate so as in any way to affect the amount of any additional duty so imposed.

3. During the session of the Central Legislature next following the date of the issue of a notification under sub-section (1) of section 2, there shall, unless the notification is in the meantime rescinded, be introduced to the Central Legislature on behalf of the Central Government a bill to give effect to the proposals of the Central Government in regard to the Duties to be continued by Legislature.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, Pt. V, p. 269.

continuance of a protective duty of customs on the goods to which the notification relates and the notification shall cease to have effect on the expiry of two months from the date on which the Bill is so introduced :

Provided that where for any reason a Bill as aforesaid is not so introduced the notification shall cease to have effect on the expiry of two months from the termination of the said session.

Power to
make rules.

4. (1) The Central Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may prescribe the conditions subject to which any goods shall be deemed to be produced or manufactured in a particular country for the purposes of this Act.

Repeal.

5. The Protective Duties Act, 1946, is hereby repealed. XXVII of 1946.

ACT NO. LXII OF 1950.¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Foreign Exchange Regulation Act, 1947.

VII of 1947. WHEREAS it is expedient further to amend the Foreign Exchange Regulation Act, 1947 for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Foreign Exchange Regulation (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In section 2 of the Foreign Exchange Regulation Act, 1947, hereinafter referred to as the Act, in clause (k), the word "Pakistan" occurring in the title of Act X of 1920 shall be omitted. Amendment of section 2, Act VII of 1947.

VII of 1947. 3. In section 8 of the Act, in sub-section (2), the words "other than foreign exchange obtained from an authorised dealer" shall be omitted. Amendment of section 8, Act VII of 1947.

4. In section 18 of the Act—

(a) in sub-section (1), the words "or the United Kingdom" shall be omitted ; and Amendment of section 18, Act VII of 1947.

(b) for sub-section (2), the following shall be substituted, namely :—

" (2) Except with the general or special permission of the State Bank, no person resident in the Provinces or the Capital of the Federation shall lend any money or security to any company, not being a banking company, which is by any means controlled, whether directly or indirectly, by persons resident outside Pakistan elsewhere than in the territories notified in this behalf by the State Bank.

In this sub-section, 'company' includes a firm, branch or office of a company or firm."

5. In section 19 of the Act—

(a) in sub-section (1), after the words "the Central Government" the words "or the State Bank" shall be inserted ; Amendment of section 19, Act VII of 1947.

1. For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, pp. 273-274.

- (b) in sub-section (2) at the end, the following may be added :—

“ and may, at any time, by notification in the official Gazette, direct that the power to make such order shall for such period as may be specified in the direction, be exercised by the State Bank ” ;

- (c) for sub-section (3), the following shall be substituted, namely :—

“ (3) On a representation in writing made by a person authorised in this behalf by the Central Government or the State Bank and supported by a statement on oath of such person that he has reason to believe that a contravention of any of the provisions of this Act has been or is being or is about to be committed in any place or that evidence of the contravention is to be found in such place, a district magistrate, a sub-divisional magistrate or a magistrate of the first class may, by warrant, authorise any police officer not below the rank of sub-inspector—

- (a) to enter and search any place in the manner specified in the warrant ; and
- (b) seize any books or other documents found in or on such place.

Explanation.—In this sub-section, “ place ” includes a house, building, tent, vehicle, vessel or aircraft.

(3A) A police officer authorised under sub-section (3) may search any person who is found in or whom he has reasonable ground to believe to have recently left or to be about to enter such place and to seize any article found in the possession of or upon such person and believed by the police officer so authorised to be evidence of the commission of any offence under this Act.

(3B) A police officer authorised under sub-section (3) shall conduct any search under that sub-section or under sub-section (3A) in accordance with the provisions relating to search in the Code of Criminal Procedure, 1898. ” ; and

V of 1898.

- (d) in sub-section (4), the word “ Pakistan ” occurring in the title of Act XI of 1922 shall be omitted.

**Amendment
of section
20, Act VII
of 1947.**

6. In clause (c) of sub-section (1) of section 20 of the Act, for the word “ India ” the word “ Pakistan ” shall be substituted.

7. In section 23 of the Act—

Amendment
of section
23, Act VII
of 1947.

(a) in sub-section (1), after the word "contravenes", the words "attempts to contravene or abets the contravention of" shall be inserted ;

(b) after sub-section (1), the following new sub-section shall be inserted, namely :—

V of 1898.

" (1A) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence punishable under this section shall be cognizable for such period as the Central Government may from time to time, by notification in the official Gazette, declare." ; and

(c) for sub-section (2), the following shall be substituted, namely :—

XI of 1922.

" (2) No court shall take cognizance of any offence punishable under this section and not declared by the Central Government under the preceding sub-section to be cognizable for the time being or of an offence punishable under section 54 of the Income-tax Act, 1922, as applied by section 19 of this Act, except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Bank :

Provided that where any such offence is the contravention of any of the provisions of this Act or any rule, direction or order made thereunder which prohibits the doing of an act without permission and is not declared by the Central Government under the preceding sub-section to be cognizable for the time being, no such complaint shall be made unless the person accused of the offence has been given an opportunity of showing that he had such permission."

ACT NO. LXIII OF 1950.¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]
(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to provide for the constitution and discipline of a National Guard for Pakistan.

WHEREAS it is necessary to provide for the constitution and discipline of a National Guard for Pakistan ;

It is hereby enacted as follows :—

1. (1) This Act may be called the **Pakistan National Guard Act, 1950.** Short title, extent and commencement.

(2) It extends to the whole of Pakistan and applies to all persons enrolled in the Pakistan National Guard wherever they may be.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "district" means a revenue district in a Province or an Acceding State ;

(b) "enrolled" means enrolled in the Pakistan National Guard under this Act ;

(c) "non-commissioned officer" means a person holding a non-commissioned rank in the Pakistan National Guard, and includes an acting non-commissioned officer ;

(d) "officer" means an officer of either of the two classes specified in section 5 ; and

(e) "prescribed" means prescribed by rules made under this Act.

3. There shall be raised and maintained in the manner hereinafter provided a force to be designated the Pakistan National Guard. Constitution of the Pakistan National Guard.

4. The Commander-in-Chief, Pakistan Army, may, subject to the control of the Central Government, constitute for the Capital of the Federation or for any district one or more units of the Pakistan National Guard to be recruited from persons residing in such district or in the Capital and may disband or reconstitute any unit so constituted. Constitution and disbandment of units.

5. (1) There shall be the following classes of officers in the Pakistan National Guard, namely :— Personnel of the Pakistan National Guard.

(i) officers holding commissions in the Pakistan National Guard granted by the Governor-General with designation of rank corresponding to those of officers of the Pakistan Army, and

1. For Statement of Objects and Reasons, see 'Gazette of Pakistan', 1950, Pt. V, p. 201.

- (ii) junior officers holding commissions in the Pakistan National Guard granted by the Governor-General with designation of rank corresponding to those of junior commissioned officers of the Pakistan Army.

(2) An officer shall be deemed to be enrolled in the Pakistan National Guard for so long as he holds a commission therein.

Conditions
of enrol-
ment.

6. (1) Any person domiciled in Pakistan may offer himself for enrolment in the Pakistan National Guard and any such person who satisfies the prescribed conditions may be enrolled for the prescribed period and in the prescribed manner.

(2) An applicant for enrolment residing in the Capital of the Federation or in a district may apply to be enrolled for service in any unit constituted for the Capital or, as the case may be, for the district.

Appoint-
ment to a
unit.

7. Every person enrolled and residing in the Capital of the Federation or a district shall without unnecessary delay be appointed to a unit constituted under section 4 for the Capital or, as the case may be, for the district.

Transfer and
attachment.

8. (1) Any person appointed to a unit constituted under section 4 may be transferred, whether on disbandment of the unit or, otherwise, to another unit of the Pakistan National Guard in such manner as may be prescribed :

Provided that no person appointed to a unit so constituted in an Acceding State shall be transferred save with the consent of the Ruler to a unit so constituted outside the State.

(2) Nothing in sub-section (1) shall be deemed to authorise the transfer without his own consent of any person enrolled to a unit constituted for the Capital or for a district if he does not reside in the Capital or, as the case may be, in the district.

(3) Any person enrolled may be attached at his own request to any unit of the Pakistan National Guard.

Change of
residence.

9. (1) Any person enrolled who changes his place of residence and thereby leaves the Capital of the Federation, if the unit in which he is serving is constituted for the Capital, or a district, if the said unit is constituted for that district shall—

- (a) if he does not intend to return to the Capital or to that district, as the case may be, inform the prescribed authority of his new place of residence ; or

- (b) if, having intended to return, he does not return within a period of three months,

he shall inform the prescribed authority as aforesaid immediately on the expiry of that period.

(2) The prescribed authority on being informed of a change of address under sub-section (1) may, subject to the provisions of section 7, transfer the aforesaid person from the unit in which he is serving to another unit.

10. (1) Every person enrolled shall be entitled to receive his discharge from the Pakistan National Guard on the expiration of the period for which he was enrolled and may, before the expiration of that period, be discharged from the force by such authority and subject to such conditions as may be prescribed : Discharge.

Provided that no person enrolled who is for the time being engaged in military service shall be entitled to receive his discharge before the termination of such service.

(2) Every person enrolled shall on becoming entitled to his discharge be discharged with all convenient speed.

11. (1) Every person enrolled shall, subject to such conditions as may be prescribed, be bound to serve in any unit of the Pakistan National Guard to which he has been appointed or transferred or is for the time being attached, and shall be subject to all rules and regulations that may be made under this Act relating to such unit. Liability to serve and perform military service.

(2) Every person enrolled shall be liable to perform military service—

(a) when called out with any portion of the Pakistan National Guard by an order of the senior officer of the Pakistan Army present, either to act in support of the civil power or to provide guards which, in the opinion of such officer, are essential ; or

(b) when the unit to which he belongs has been embodied to support or supplement the Pakistan Army in the event of an emergency by a notification directing such embodiment issued by the Central Government and published in the official Gazette.

(3) No person enrolled shall be required to perform military service beyond the limits of Pakistan save under a general or special order of the Central Government and save, in the case of a person who is a subject of an Acceding State, with the consent of the Ruler.

Application
of the
Indian Army
Act, 1911.

12. (1) Every officer of the Pakistan National Guard when doing duty as such officer shall be subject to the provisions of the Indian Army Act, 1911, and the rules and regulations made thereunder, in the same manner and to the same extent as if such officer held the same rank in the Pakistan Army as he holds for the time being in the Pakistan National Guard but subject to the terms of his commission and to any order of the Governor-General made in this behalf. VIII of 1911.

(2) Every non-commissioned officer and man of the Pakistan National Guard—

- (a) when called out or embodied for military service under section 11, or
- (b) when embodied for, or otherwise undergoing military training in the prescribed manner, shall be subject to the Indian Army Act, 1911, and the rules and regulations made thereunder, and the said Act, rules and regulations shall apply to him, subject to any order of the Governor-General made in this behalf as if he held the same rank in the Pakistan Army as he holds for the time being in the Pakistan National Guard : VIII of 1911.

Provided that the said Act, rules and regulations shall, in their application to such non-commissioned officers and men when embodied for or otherwise undergoing military training, be modified to such extent and in such manner as may be prescribed.

(3) When any offence punishable under the Indian Army Act, 1911, has been committed by any person while subject to that Act under the provisions of this section such person may, notwithstanding that he may have ceased to be so subject, be taken into and kept in military custody and tried and punished for such offence as aforesaid in like manner as if he had not ceased to be so subject. VIII of 1911.

Summary
trial and
punishment.

13. In addition to, or in substitution for, any punishment to which he may be liable under the Indian Army Act, 1911, any person enrolled other than an officer may be punished by a court of competent criminal jurisdiction, or summarily by order of the prescribed authority, for any offence under that Act or for the contravention of any provision of this Act or of any rule made thereunder, with fine which may extend to one hundred rupees to be recovered in such manner and by such authority as may be prescribed : VIII of 1911.

Provided that no fine shall be summarily inflicted by an order of the prescribed authority in any case in which the accused claims to be tried by a criminal court :

Provided further, that no court inferior to that

of a magistrate of the first class shall try any offence, made punishable by or under this Act.

14. When any person enrolled, other than an officer, is required by or in pursuance of any rule or order made under this Act to attend at any place, a certificate purporting to be signed by the prescribed officer stating that the person so required to attend has failed to attend in accordance with such requirement shall, without proof of the signature or appointment of such officer be evidence of the matter stated therein.

Presumption as to certain documents.

V of 1898.

15. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, all officers, non-commissioned officers and men of the Pakistan National Guard who have been appointed to a unit shall be deemed to be officers, non-commissioned officers and soldiers respectively of the Pakistan Army.

Persons subject to the Act to be deemed part of the Pakistan Army.

16. No person shall be liable to pay any municipal or other tax in respect of any horse, bicycle, motor bicycle, motor car or other conveyance which he is required or authorised by a general or special order of the Commander-in-Chief, Pakistan Army, to maintain in his capacity as a person enrolled in or as a person otherwise connected with the Pakistan National Guard.

Exemption from local taxation.

17. (1) The Central Government may by notification in the official Gazette make such rules as appear to it to be necessary for carrying into effect the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the conditions subject to which, the period for which and the manner in which, persons may be enrolled under section 6 ;
- (b) prescribe the manner in which a person enrolled may be transferred under section 8 ;
- (c) prescribe the authorities by whom and the conditions subject to which persons enrolled may be discharged under section 10 ;
- (d) prescribe the authorities by which offences under this Act may be punished and the manner in which fine inflicted may be recovered ;
- (e) prescribe the military training, compulsory or voluntary, for any person or class of persons enrolled and to provide for the embodiment of any unit for that purpose ;

- (f) prescribe the extent to which and the manner in which the provisions of the Indian Army Act, 1911, shall be modified in their application to non-commissioned officers and men of the Pakistan National Guard when embodied for or otherwise undergoing military training ;
- (g) provide for and regulate the remuneration, allowances, gratuities or compensation (if any) to be paid to any person or class of persons enrolled or to their dependents ;
- (h) prescribe the officers by whom certificates may be signed under section 14 ;
- (i) provide for the medical examination of persons offering themselves for enrolment under section 5 ; and
- (j) provide for any other matter which under this Act is to be or may be prescribed.

Power to
make regulations.

18. (1) The Commander-in-Chief, Pakistan Army, may make regulations not inconsistent with this Act and the rules made thereunder providing generally for all details connected with the organisation and personnel of the Pakistan National Guard and for the duties, military training, clothing, equipment, allowance and leave of persons enrolled.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may specify the courses of training or instruction to be followed by any person or class of persons enrolled.

Repeal of
Ordinance
II of 1947.

19. The Pakistan National Guard Ordinance, 1947, II of 1947. is hereby repealed.

THE FINANCE (SUPPLEMENTARY) ACT, 1950

¹Act No. LXIV of 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd
October, 1950.)

An Act to give effect to the supplementary financial proposals of the Central Government for the year ending on the 31st day of March, 1951.

WHEREAS it is expedient to increase certain taxes and duties and to impose certain new taxes and duties for the purpose of meeting expenditure on the rehabilitation of refugees ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Finance (Supplementary) Act, 1950.

Short title,
extent and
commence-
ment.

(2) Part I of the Act extends to all the Provinces of Pakistan and the Capital of the Federation. Part II extends to the Provinces of Pakistan. Part III extends to the Capital of the Federation.

(3) The Act shall come into force at once.

PART I

XXVI
of 1950.

2. The following amendments shall be made in section 4 of the Finance Act, 1950 :—

Alteration
of duty of
customs on
certain
goods.

(1) in clause (a), the figures, brackets and words "22 (4) and" shall be omitted and for word "items" the word "item" shall be substituted ;

(2) in clause (c), the figures and brackets and comma "22 (2)," shall be omitted ;

(3) the following new clauses shall be inserted as clauses (f) and (g), namely :—

" (f) a sum equal to $7\frac{1}{5}$ ths of the duty chargeable as aforesaid in respect of goods comprised in item 22 (2) ;"

" (g) a sum equal to $27\frac{1}{25}$ ths of the duty chargeable as aforesaid in respect of goods comprised in item 22 (4)."

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, Extraordinary, 1950, p. 692 (j).

Alteration
of duty of
customs on
cigarettes.

3. Until the 31st day of March, 1951, the entry in the fourth column against item 24 (2) of the First Schedule to the Tariff Act, 1934, shall have effect as if for the words and figures "Rs. 31-4-0 per thousand or Rs. 12-8-0 per lb." the words and figures "32-5-0 per thousand or Rs. 12-15-0 per lb." were substituted. XXXII of 1934.

Additional
duty of
excise on
motor spirit.

4. Until the 31st day of March, 1951, the entry in the third column against item 4 of the First Schedule to the Central Excises and Salt Act, 1944, shall have effect as if the following entry were substituted therefor :— I of 1944.

"One rupee, four annas and three pies per Imperial gallon."

Additional
duty of
excise on
cigarettes.

5. Until the 31st day of March, 1951, the entries in third column against sub-item II (2) of item 9 of the First Schedule to the Central Excises and Salt Act, 1944, shall have effect as if the following entries were substituted therefor :— I of 1944.

- (i) Rupees fourteen and anna one.
- (ii) Rupees eleven and annas nine.
- (iii) Rupees nine and anna one.
- (iv) Rupees seven and annas thirteen.
- (v) Rupees six and annas nine.
- (vi) Rupees five and annas five.
- (vii) Rupees four and anna one.
- (viii) Rupees two and annas thirteen.

Increase of
stamp duty.

6. Until the 31st day of March, 1951, Article 53 of Schedule I to the Stamp Act, 1899, shall have effect as if for the entry in the second column the following entry were substituted :— II of 1899.

"Two annas."

Additional
Income-tax.

7.—(1) For the year ending on the 31st day of March, 1951, there shall be levied on every person assessed to tax for that year under the Income-tax Act, 1922, an additional amount of income-tax according to the scale set out in Schedule I to this Act. XI of 1922.

(2) The Central Government may make rules providing for the manner of assessment and recovery of the tax and also for the payment of the tax in advance of the provisional or regular assessment for the year.

Additional
tax on
dealers.

8.—(1) For the year ending on the 31st day of March, 1951, there shall be levied on every dealer assessed to sales tax under the General Sales Tax Act, 1948, a tax according to the scale set out in Schedule II to this Act. V of 1948.

(2) The tax shall be computed on the basis of the turnover of the next preceding year, subject to adjustment on the determination of the turnover for the tax year.

(3) The Central Government may make rules providing for the manner of assessment and recovery of the tax, and for its adjustment by way of additional payment or refund.

9.—(1) Until the 31st day of March, 1951, there shall be levied and paid on fares charged for the carriage of passengers by air a tax of the amount specified hereunder :—

*Amount of
tax.*

On a fare not exceeding Rs. 99..	..	Rupees two.
On a fare exceeding Rs. 99 ..	..	Rupees five.

Where an aggregate sum is charged and not individual fares, the fare of each passenger shall be deemed to be a proportionate amount of the aggregate sum.

(2) The tax shall be collected by the owner or the charterer of the aircraft and paid to the Central Government.

(3) The Central Government may make rules regulating the procedure for the collection and payment of the tax and any other matter incidental to its levy.

10.—(1) Until the 31st day of March, 1951, there shall be levied and paid on railway fares and freights a tax according to the scale set out in Schedule III to this Act.

(2) The Central Government may make rules regulating the procedure for the collection and accounting of the tax and any other matter incidental to its levy.

PART II

11. The taxes imposed by the provisions in this Part shall remain in force up to and including the 31st day of March, 1951.

12.—(1) For the year ending on the 31st day of March, 1951, there shall be levied and collected from every owner of land which is assessed to land revenue in the Province of Sind and additional amount of land revenue by way of surcharge at the rates specified in Schedule IV to this Act.

(2) The surcharge shall be levied on the basis of the total land revenue payable for the revenue year ending within the aforesaid financial year.

(3) In this section the expression "revenue year" means the period or the season or seasons for which land revenue is payable annually and the expression "land revenue" in relation to the levy of the surcharge includes any water rate payable in respect of irrigated lands.

13.—(1) For the year ending on the 31st day of March, 1951, there shall be levied and collected from every owner of land who is assessed to agricultural income-tax in the

Frontier
Province.

North-West Frontier Province an additional amount of agricultural income-tax by way of surcharge at the rates specified in Schedule V to this Act.

(2) The surcharge shall be levied on the basis of the total land revenue payable for the revenue year ending within the aforesaid financial year on which the agricultural income-tax is assessed.

(3) In this section the expression "revenue year" means the period or the season or seasons for which land revenue is payable annually.

Cess on land
owners in
East Bengal.

14.—(1) For the year ending on the 31st day of March, 1951, there shall be levied and collected from every owner of land which is assessed to land revenue in the Province of East Bengal a cess at the rates specified in Schedule V to this Act.

(2) The cess shall be levied on the basis of the total land revenue payable for the revenue year ending within the aforesaid financial year.

(3) In this section the expression "revenue year" means the period or the season or seasons for which land revenue is payable annually.

(4) The Provincial Government may make rules regulating the procedure for the collection and payment of the cess and any other matter incidental to its levy.

Surcharge
on agricul-
tural income-
tax in the
Punjab.

15.—(1) For the year ending on the 31st day of March, 1951, there shall be levied and collected from every owner of land who is assessed to agricultural income-tax in the Province of the Punjab an additional amount of agricultural income-tax by way of surcharge at the rates specified in Schedule V to this Act.

(2) The surcharge shall be levied on the basis of the total land revenue payable for the revenue year ending within the aforesaid financial year on which the agricultural income-tax is assessed.

(3) In this section the expression "revenue year" means the period or the season or seasons for which land revenue is payable annually.

Entertain-
ment tax
and tax on
cinemas.

16.—(1) There shall be levied and collected in any area in which a tax on entertainments is imposed by or under a Pakistan law, the additional taxes specified hereunder:—

(a) A surcharge of ten per cent. of the entertainments tax in force from time to time.

(b) A tax on cinemas payable by the owner or management thereof, at the following rates:—

(i) in the case of a cinema classed as a first class cinema—Rupees one thousand;

(ii) in the case of a cinema classed as a second class cinema—Rupees five hundred;

(iii) in the case of a cinema classed as a third class cinema—Rupees one hundred.

(2) The Provincial Government may make rules classifying cinemas for the purpose of clause (b) of sub-section (1) and regulating the procedure for the collection and payment of the tax.

17.—(1) There shall be levied and collected in any area in which a betting tax in respect of horse-racing or pony-racing is imposed by or under a Pakistan law, an additional tax by way of surcharge amounting to twenty-five per cent. of the betting tax in force from time to time. Tax on betting.

Explanation.—The expression “betting tax” includes a tax charged in respect of moneys paid into a totalisator by way of stakes or bets.

18.—(1) There shall be levied and paid a tax on advertisements in newspapers, journals and other periodicals at the rate of five per cent. of the amount charged for such advertisements. Tax on advertisements.

(2) The tax shall be collected by the owner or management of the newspaper, journal or periodical and paid to Government.

(3) The Provincial Governments may make rules regulating the procedure for the collection and payment of the tax and any other matter incidental to its levy.

19.—(1) For the year ending on the 31st day of March, 1951, there shall be levied and collected from the following classes of persons a tax of the amount specified hereunder :— Tax on callings, professions, etc.

<i>Class of persons</i>	<i>Amount of tax</i>
(a) Legal practitioners of not less than five years' standing.	Rupees twenty.
(b) Income-tax practitioners.	Rupees twenty.
(c) Clearing agents, licensed or approved as Custom House agents.	Rupees one hundred.
(d) Contractors supplying goods, commodities and services to Government and local bodies.	Rupees two hundred or rupees one hundred; or rupees fifty, according to classification.

(2) The Central Government may make rules—

- (a) classifying contractors for the purpose of clause (d) of sub-section (1); and
- (b) regulating the procedure for the collection and payment of the tax imposed by the said sub-section and any other matter incidental to its levy.

20.—(1) There shall be levied and collected from every person engaged in the import and export trade who holds Tax on trades—

Import and export licences. a licence issued under the Imports and Exports (Control) Act, 1950, a tax according to the scale set out in Schedule VI to this Act. XXXIX of 1950.

(2) The Central Government may make rules regulating the procedure for the collection and payment of the tax and any other matter incidental to its levy.

Tax on trades—
Shops.

21.—(1) There shall be levied and collected from the owner or management of any shop situated in any municipal or cantonment area a tax of rupees three.

“Shop” means any premises not being premises intended to be in the nature of a temporary structure, where the trade or business of selling goods by retail or wholesale or both is carried on by the owner or occupier, or where services are rendered by the owner or occupier to customers, and includes offices, show-rooms, store-rooms, godowns or warehouses, wherever situated, used in connection with the said trade or business.

(2) The Provincial Governments may make rules regulating the procedure for the collection and payment of tax and any other matter incidental to its levy.

Tax on motor vehicles.

22. There shall be levied and collected in any area in which a tax is imposed on motor vehicles by or under a Pakistan law, a surcharge on such tax at the following rates :—

	<i>Surcharge</i>
(1) Motor vehicles used for the transport or carriage of goods and materials.	Rupees twenty-five per annum.
(2) Motor vehicles plying for hire and used for transport of passengers:	
(i) Licensed to carry not more than eight persons.	Rupees twelve per annum.
(ii) Licensed to carry more than eight persons.	Rupees fifty per annum.
(3) Motor cars not plying for hire.	Rupees twelve per annum.

Toll on vessels plying in inland waters.

23.—(1) There shall be levied and collected a toll on steam-vessels and motor-vessels plying in inland waters at the rates specified hereunder :—

On vessels of a tonnage of—

<i>Tons</i>	
Less than 100	... Rupees one hundred.
100 tons and less than 500	... Rupees two hundred and fifty.
500 tons and less than 1,000	... Rupees five hundred.
1,000 tons and upwards ...	... Rupees one thousand.

(2) The total shall be payable by the owner or the charterer of the vessel.

(3) The Provincial Governments may make rules regulating the procedure for the collection and payment of the toll and any other matter incidental to its levy.

(4) In this section "steam-vessels" and "motor-vessels" mean every description of vessel propelled wholly or in part by the agency of steam or, as the case may be, oil.

24.—(1) There shall be levied and collected on fares and freights charged for transport by steam-vessels and motor-vessels plying in inland waters a toll according to the scale set out in Schedule III to this Act. Toll on fares and freights on traffic by inland vessels.

(2) The toll shall be collected by the owner or the charterer of the vessel and paid to Government.

(3) The Provincial Governments may make rules regulating the procedure for the collection and payment of the toll and any other matter incidental to its levy.

(4) In this section "steam-vessels" and "motor-vessels" have the same meaning as in section 23.

25.—(1) There shall be levied and collected on freights charged for goods transported by motor-vehicles by road a toll according to the scale set out in Part II of Schedule III to this Act. Toll on freights on goods carried by road.

(2) The toll shall be collected by the owner of the motor-vehicle and paid to Government.

(3) The Provincial Governments may make rules regulating the procedure for the collection and payment of the toll and any other matter incidental to its levy.

26.—Where any tax or surcharge imposed by the provisions in this Part is by way of an addition to or a surcharge on any existing tax imposed by or under a Pakistan law, the provisions of that law shall, so far as applicable, apply to the assessment, collection and recovery of the additional tax or surcharge. Application of existing law.

27.—The Central Government may by notification in the official Gazette make such omissions, additions, adaptations and modifications in any Pakistan law as may be necessary for the purpose of the levy and collection of any tax imposed by the provisions in this Part. Power to amend or vary any Pakistan law.

PART III

28.—The provisions of Part II, excepting sections 13, 14 and 15 thereof, shall apply to the Capital of the Federation as they apply to a Province, and in relation to the said Capital the provisions conferring powers on the Provincial Governments to make rules shall be construed as provisions conferring powers on the Central Government. Application of Part II to the Capital of Federation.

SCHEDULE I

(See section 7)

Scale

	<i>Amount of tax</i>
Where the total income does not exceed Rs. 4,999	Nil.
Where the total income exceeds Rs. 4,999 but does not exceed Rs. 9,999 ...	... Rupees twenty-four.
Where the total income exceeds Rs. 9,999 but does not exceed Rs. 24,999 ...	... Rupees forty-eight.
Where the total income exceeds Rs. 24,999 but does not exceed Rs. 49,999 ...	... Rupees ninety-six.
Where the total income exceeds Rs. 49,999 but does not exceed Rs. 99,999 ...	... Rupees two hundred.
Where the total income exceeds Rs. 99,999 but does not exceed Rs. 1,49,999 ...	... Rupees five hundred.
Where the total income exceeds Rs. 1,49,999	... Rupees one thousand.

SCHEDULE II

(See section 8)

Scale

	<i>Amount of tax</i>
Where the turnover does not exceed Rs. 29,999	... Nil.
Where the turnover exceeds Rs. 29,999 but does not exceed Rs. 49,999 ...	... Rupees ten.
Where the turnover exceeds Rs. 49,999 but does not exceed Rs. 99,999 ...	... Rupees twenty.
Where the turnover exceeds Rs. 99,999 but does not exceed Rs. 1,99,999 ...	... Rupees two hundred.
Where the turnover exceeds Rs. 1,99,999	... Rupees five hundred.

SCHEDULE III

(See sections 10, 24 and 25)

Scale

<i>Part I—Fares (passengers)—</i>	<i>Amount of tax</i>
On a first class ticket ...	... Annas eight.
On a second class ticket ...	... Annas four.
On an inter-class ticket ...	... Annas two.
On a third class or deck ticket ...	... Anna one :

Provided that no tax shall be levied where the fare does not exceed rupees three.

<i>Part II—Freights (goods)—</i>	<i>Amount of tax</i>
Where the freight on any consignment does not exceed Rs. 3 ...	... Nil.
Where the freight on any consignment exceeds Rs. 3 but does not exceed Rs. 10 ...	... One anna.
Where the freight on any consignment exceeds Rs. 10 but does not exceed Rs. 25 ...	... Annas two.
Where the freight on any consignment exceeds Rs. 25 but does not exceed Rs. 50 ...	... Annas four.
Where the freight on any consignment exceeds Rs. 50 but does not exceed Rs. 75 ...	... Annas eight.
Where the freight on any consignment exceeds Rs. 75 but does not exceed Rs. 100 ...	... Rupee one.

SCHEDULE III.—*contd.**Scale*

	<i>Amount of tax</i>
Where the freight on any consignment exceeds Rs. 100 but does not exceed Rs. 150 ...	... Rupees two.
Where the freight on any consignment exceeds Rs. 150 but does not exceed Rs. 225 ...	... Rupees three.
Where the freight on any consignment exceeds Rs. 225 but does not exceed Rs. 300 ...	... Rupees four.
Where the freight on any consignment exceeds Rs. 300 ...	... Rupees four plus rupee one for every Rs. 100 in excess of Rs. 300 of freight.

SCHEDULE IV

(See section 12)

Surcharge

Where the total land revenue and water-rate for irrigation does not exceed Rs. 1,999 ...	... Nil.
Where the total land revenue and water-rate for irrigation exceeds Rs. 1,999 ...	... Three pies per rupee of such total.

SCHEDULE V

(See sections 13, 14 and 15)

*Surcharge or
cess*

Where the total land revenue payable does not exceed Rs. 349 ...	... Nil.
Where the total land revenue payable exceeds Rs. 349 but does not exceed Rs. 499 ...	... Rupees twelve.
Where the total land revenue payable exceeds Rs. 499 but does not exceed Rs. 749 ...	... Rupees twenty-four.
Where the total land revenue payable exceeds Rs. 749 but does not exceed Rs. 999 ...	... Rupees fifty.
Where the total land revenue payable exceeds Rs. 999 but does not exceed Rs. 1,999 ...	... Rupees one hundred.
Where the total land revenue payable exceeds Rs. 1,999 but does not exceed Rs. 4,999 ...	... Rupees two hundred and fifty.
Where the total land revenue payable exceeds Rs. 4,999 but does not exceed Rs. 9,999 ...	... Rupees five hundred.
Where the total land revenue payable exceeds Rs. 9,999 ...	... Rupees one thousand.

SCHEDULE VI

(See section 20)

Amount of tax

When the licence is for an amount not exceeding Rs. 4,999	... Nil.
When the licence is for an amount exceeding Rs. 4,999 but not exceeding Rs. 9,999	... Rupees ten.
When the licence is for an amount exceeding Rs. 9,999 but not exceeding Rs. 19,999	... Rupees fifty.
When the licence is for an amount exceeding Rs. 19,999 but not exceeding Rs. 49,999	... Rupees one hundred and fifty.
When the licence is for an amount exceeding Rs. 49,999 but not exceeding Rs. 99,999	... Rupees five hundred.
When the licence is for an amount exceeding Rs. 99,999	... Rupees one thousand.

ACT NO. LXV OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]
(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to provide for special measures for control of rates chargeable in hotels and lodging-houses in Karachi, for the reservation of accommodation therein and for ancillary matters.

WHEREAS it is expedient to provide for special measures for control of rates chargeable in hotels and lodging-houses in Karachi, for the reservation of accommodation therein and for ancillary matters;

It is hereby enacted as follows:—

1. (1) This Act may be called the Karachi Hotels and Lodging-houses (Control) Act, 1950. Short title, commencement and extent.
(2) It shall come into force at once.
(3) It extends to the Capital of the Federation.
2. In this Act, unless there is anything repugnant in the subject or context— Definitions.
 - (1) the expression "accommodation" has reference to lodging, board and service, or any one or more than one of these facilities, as may be required by, or agreed to be provided to, a guest;
 - (2) "fair rate" means the rate fixed under section 6, and includes a revised rate;
 - (3) "guest" means a person who is in possession or enjoyment of accommodation engaged for him;
 - (4) "Hotel or Lodging-house" means a building which is exclusively or mainly used, for providing accommodation for guests for a monetary consideration but shall not include a home or hostel which is maintained exclusively for aged or incurable persons, or, as the case may be, for students, by or under the control of a charitable or educational institution;
 - (5) "manager of a hotel" means any person in charge of a hotel;
 - (6) "owner of a lodging-house" means the person who receives or is entitled to receive payment from a guest on account of accommodation provided, and includes a person managing a lodging-house, as an agent or trustee or otherwise;
 - (7) "prescribed" means prescribed by rules made under this Act;

(8) "public rooms" means and includes all rooms in a hotel or lodging-house which are reserved and left open for the common use of all guests ;

(9) "service" means any service ordinarily provided in a hotel or lodging-house.

Appoint-
ment of
Controller
and Addi-
tional Con-
trollers.

3. (1) The Central Government may, by notification in the official Gazette, appoint a person to be Controller for the purposes of this Act, and may also appoint such number of Additional Controllers as may be necessary for carrying out the said purposes.

Appoint-
ment of
Advisory
Committee.

(2) The Central Government may also constitute an Advisory Committee, consisting of not less than three and not more than five persons, to aid and advise the Controller in relation to such of his functions as may be prescribed.

Registration
of hotels
and lodg-
ing-houses.

4. Within a period of two months from the commencement of this Act, or from the opening of any hotel or lodging-house, whichever is later, the owner of every hotel and lodging-house shall apply to the Controller for registration of his hotel or lodging-house, and for determination of fair rates in relation thereto.

Classifica-
tion of
hotels and
lodging-
houses.

5. (1) The Controller may, by order in writing, classify all hotels and lodging-houses into categories according to the standard of board, lodging and service provided by them, for the purpose of determination of fair rates.

(2) Nothing in sub-section (1) shall be deemed to prevent the determination of fair rates by the Controller in relation to any hotel or lodging-house, irrespective of any category in which it may have been placed, or whether it has been so classified.

Controller
to fix fair
rates for
accommo-
dation.

6. (1) The Controller may fix a fair rate to be charged for board, lodging and other service provided in a hotel or boarding-house, at such amount as, having regard to all the circumstances, he deems just.

(2) A fair rate may be fixed separately for—

(a) lodging with reference to the nature of the accommodation and the number of guests to be accommodated ;

(b) board, partial or full ; or

(c) other service,

or the Controller may fix a consolidated rate for lodging, board and service, or for lodging and service only, as above.

(3) A fair rate may be fixed separately for daily and monthly guests.

Explanation—A guest who agrees to reserve accommodation, or for whom accommodation is reserved for a period of one month or more shall be deemed to be a monthly guest, provided he actually stays for one month or more or has actually paid in advance for one month : where the reservation is not for any specified

period, or is for a period less than a month, the guest shall be deemed to be a daily guest.

(4) The Controller may from time to time revise the fair rates determined by him under this section.

(5) In making an order fixing or revising a fair rate, the Controller shall fix the date, being the first day of a month not earlier than the month in which the order is made, from which the order is to take effect.

(6) Until such time as fair rates are fixed in relation to any hotel or lodging-house under this section, the rate, if any, charged by such hotel or lodging-house on the first day of July, 1947, for equivalent lodging, board or service to that provided, shall be deemed to be the fair rate chargeable.

7. (1) The Controller may fix the maximum number of guests to be accommodated in each room or other unit of accommodation in a hotel or lodging-house.

Controller to fix limit of persons to be accommodated in any room.

(2) Save as hereafter provided, no room for which an order has been made under sub-section (1) shall be used to accommodate any number of guests in excess of the number specified in the order except with the previous permission of the Controller in writing.

(3) The Controller may from time to time revise any order made by him under sub-section (1) so as to increase or reduce the number of guests specified in such order.

(4) The Central Government may by rule prescribe the conditions under and the circumstances in which the permission of the Controller under sub-section (2) shall not be necessary.

8. The fair rate fixed by the Controller and the maximum number of guests who may be accommodated in relation to each room or unit of accommodation in a hotel or lodging-house shall be displayed in such room or place, and a consolidated chart showing such information in respect of all the rooms and other accommodation, in a hotel or lodging-house shall be displayed in a conspicuous manner in the office and in the public rooms, if any, of such hotel or lodging-house.

Fair rates and limits of persons for rooms to be displayed.

9. (1) Subject to such rules as may be made in this behalf by Central Government, the Controller may by order direct the manager of a hotel or the owner of a lodging-house to reserve in the hotel or lodging-house such accommodation as may be specified in the order.

Reservation of accommodation at the instance of Controller.

(2) Subject to any direction by the Central Government in this behalf, the Controller may allot the accommodation reserved under sub-section (1)

to any person and such person shall thereupon be deemed to be a guest at the hotel or lodging-house, in relation to the accommodation allotted to him.

(3) Where any accommodation is reserved under sub-section (1), the manager of the hotel or the owner of the lodging-house shall make the accommodation so reserved, or such portion of it as the Controller may direct, available to the Controller, for occupation by the person to whom it has been allotted, at the expiry of twenty-four hours from the service upon him of a notice in writing in this behalf by the Controller.

(4) Nothing in this section shall prevent the manager of a hotel or the owner of a lodging-house from letting any accommodation reserved under sub-section (1) to a guest other than the person to whom such accommodation is allotted by the Controller, upon the condition that if and when a notice is received from the Controller under sub-section (3), such guest will vacate the accommodation within twenty-four hours of the receipt of such notice.

Charge in excess of fair rate prohibited.

10. (1) Notwithstanding any agreement to the contrary, no manager of a hotel or an owner of a lodging-house shall charge a guest any amount in excess of the fair rate.

(2) Any agreement for the payment of any charges in excess of the fair rate shall be void in respect of such excess, and shall be construed as if it were an agreement for payment of the said fair rate.

(3) Any sum paid by a guest in excess of the fair rate shall be recoverable at any time within a period of six months from the date of payment from the manager of the hotel or the owner of the lodging-house to whom it was paid, or from the legal representative of either of these persons, and without prejudice to any other mode of recovery which may be open to him, the guest may deduct such amount from any sum payable by him for his accommodation.

Conditions applicable to eviction of guests.

11. (1) Except as provided hereinafter, no guest in a hotel or lodging-house shall be evicted or refused board or other service so long as he pays, or is ready and willing to pay the fair rate, and observes and performs the conditions of his agreement in so far as they are consistent with the provisions of this Act.

(2) If the Controller is satisfied that—

- (a) a guest in a hotel or lodging-house has been guilty of conduct which is a nuisance or source of annoyance to other guests or to persons living in the neighbourhood; or
- (b) the accommodation he occupies is reasonably and *bona fide* required by the manager of the hotel or the owner of the

lodging-house as the case may be, for his own occupation, or for occupation by any person for whose benefit the accommodation has been reserved to the knowledge of such guest, or for any other cause which may be deemed satisfactory by the Controller; or

- (c) the guest has failed to vacate the accommodation on the termination of the period of his agreement in respect thereof;

the Controller may make an order to that effect and authorise the manager or owner, as the case may be, to recover possession of the accommodation provided to such guest, after giving him such notice, not exceeding seven days, as may be specified in the order.

- (3) An order under sub-section (2) shall not be made unless the guest has been given an opportunity to show cause against it.

12. (1) No order under section 5, 6, 7 or 11 of this Act shall be made by the Controller, except after holding an enquiry. Procedure and powers of the Controller.

- (2) Every such enquiry shall be made summarily in the prescribed manner.

(3) For the purpose of holding such enquiries and any other enquiries which he may deem necessary for the discharge of his functions under the Act, the Controller shall have the same powers as are vested in Civil courts in respect of—

- (a) proof of facts by affidavit;
- (b) summoning and enforcing the attendance of any person and examining him on oath;
- (c) compelling the production of documents and other material evidence; and
- (d) issuing commissions for the examination of witnesses.

Act XLV of
1860

(4) The proceedings of every enquiry under sub-section (1) shall be deemed to be judicial proceedings for the purposes of sections 193 and 228 of the Pakistan Penal Code.

13. (1) For the purposes of this Act, the Controller may—

Further powers of Controller.

- (a) require the manager of a hotel or the owner of a lodging-house to produce any book of account, document or other papers in his possession or power which contain or are believed to contain information relating to the hotel or lodging house; and
- (b) enter, and by written order, authorise an officer subordinate to him to enter, any hotel or lodging-house.

Controller's
power of
summary
eviction.

(2) The Controller may, on application by the manager of a hotel or the owner of a lodging-house evict any guest who fails to obey an order for delivery of possession under sub-section (2) of section 11.

(3) If the manager of a hotel or the owner of a lodging-house fails to make available to the Controller, any accommodation reserved under sub-section (1) of section 9 and in respect of which a notice has been duly served under sub-section (3) of section 9, within the period allowed by the latter sub-section, the Controller may forthwith take possession of such accommodation, and may for that purpose summarily evict any person in occupation thereof, after giving such notice to the latter, not exceeding twenty-four hours as he may think fit.

(4) In exercising the powers of seizure and eviction under this section, the Controller may enter upon the premises, and may use such force as, in his opinion, is reasonably necessary.

Appeals.

14. (1) Any person aggrieved by an order of the Controller under section 5, 6, 7 or 9 may appeal therefrom, in writing, to the appellate authority under this Act, within fifteen days from the date on which the order is communicated to him.

(2) The appellate authority shall call for the record and shall direct issue of notice to the Controller and to all other persons who, in his opinion, may be directly affected by the result of the appeal, and after hearing all such parties and examining the record, and after such further enquiry, either by himself or by the Controller, as he may deem fit, shall decide the appeal.

(3) The decision of the appellate authority, and subject only to such decision, the order of the Controller to which this section relates, shall be final and shall not be called in question in any court.

(4) The expression "appellate authority" shall mean the Administrator of Karachi and shall include any other officer appointed by the Central Government to exercise the powers of an appellate authority under this section.

Penalty for
failure to
register hotel
or lodging-
house.

15. Any owner of a hotel or a lodging-house who fails to register his hotel or lodging-house in compliance with section 4 shall be punishable with imprisonment of either description which may extend to one month, or with fine, or with both.

Penalty for
failing to
display fair
rates and
limit of
accommoda-
tion.

16. Any manager of a hotel or owner of a lodging-house who fails to display the fair rates and the limit of guests for each room or other unit of accommodation fixed by the Controller, as required by section 8, shall be punishable with fine.

17. Any manager of a hotel or owner of a lodging-house who fails when required by notice under sub-section (3) of section 9, to make reserved accommodation available to the Controller in compliance with the said sub-section, shall, unless he proves that the failure was due to circumstances beyond his control, be punishable with fine. Penalty for disobeying reservation order.

18. Any manager of a hotel or owner of a lodging-house who— Penalty for charging in excess of fair rates and exceeding limit of accommodation.

- (a) charges any amount in excess of the fair rate fixed by the Controller under section 6, or
- (b) accommodates guests, or permits guests to be accommodated, in any room or other unit of accommodation in his hotel or lodging-house, in excess of the number fixed therefor by the Controller under section 7,

shall be punishable with imprisonment of either description which may extend to six months, or with fine, or with both.

19. (1) Every owner of a hotel which is in charge of a manager, and in relation to a hotel owned by a company or firm, every director, Secretary, partner or officer of such company or firm shall be liable to prosecution, equally with the manager of the hotel for any offence punishable under section 16, or section 17 or section 18. Constructive liability of owners of hotels, etc.

(2) If any person who is prosecuted under the provisions of sub-section (1) proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission, he shall be entitled to acquittal.

20. (1) No court shall take cognizance of an offence under this Act except on a complaint made by the Controller in writing. Cognizance of offences.

(2) No court exercising powers inferior to those of a magistrate of the first class shall try any offence under this Act.

21. No suit or other legal proceeding shall lie against the Controller or any person acting under his orders, in respect of anything which is in good faith done or intended to be done under this Act. Bar of suits

22. (1) The Central Government may make rules for carrying out the purposes of this Act. Rules.

(2) Without prejudice to the generality of the power conferred by the foregoing sub-section, such rules may provide for—

- (a) the nature, scope and extent of a Controller which may be exercised by an Additional Controller under this Act;

- (b) the functions of the Controller in respect of which he is to receive the aid and advice of the Advisory Committee; and the mode in which such aid or advice is to be sought and tendered;
- (c) the conduct of its proceedings and business by the Advisory Committee;
- (d) the form and manner in which registration of hotels and lodging-houses is to be effected and the fees to be charged for registration;
- (e) the forms of notices displaying fair rates and maximum limits of persons to be accommodated, as required by section 8;
- (f) the procedure in regard to the reservation of accommodation under sub-section (1) of section 9;
- (g) the conditions under and the circumstances in which the permission of the Controller under sub-section (2) of section 7 shall not be necessary;
- (h) the form and manner of service of notice to be issued under sub-section (3) of section 9;
- (i) the manner in which enquiries shall be held by the Controller;
- (j) the levy of court fees on applications and proceedings before the Controller.

Exemption.

23. This Act shall not apply to any hostel or other premises belonging to or in the possession of the Central or any Provincial Government where lodging, board or other service is provided mainly for Government officials, but it shall apply in respect of lodging, board or other service in any hotel or lodging-house which the manager or keeper has agreed or is required to provide to, or under the instructions of, the Central Government.

ACT NO. LXVI OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950)

An Act to prohibit the slaughter of useful cattle and to regulate the slaughter of other cattle.

WHEREAS it is expedient to prohibit the slaughter of useful cattle and to regulate the slaughter of other cattle ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Karachi Cattle Slaughter Control Act, 1950. Short title,
extent and
commence-

(2) It shall extend to the Capital of the Federation. ment.

(3) It shall come into force in, and shall apply to, such parts of the Capital of the Federation on such date and for such period as the Central Government may, by notification in the official Gazette, direct.

2. In this Act unless there is anything repugnant in the subject or context,— Definitions.

(a) "Cattle" means oxen, buffaloes and sheep of either sex and of any age ;

(b) "Veterinary Officer" and "Competent Veterinary Authority" means officers appointed as such under the rules ;

(c) "useful cattle" means—

(i) all oxen and buffaloes below 3 years of age ;

(ii) all oxen and buffaloes between 3 to 10 years of age which are suitable for draught, breeding or milk ;

(iii) all cows and female buffaloes which are pregnant ;

(iv) all sheep below 1½ years of age ; and

(v) all sheep which are pregnant, except those which, under any rules made under this Act, may be certified as not useful by the prescribed authority.

(d) "slaughter" means killing cattle by any means ;

(e) "slaughter-house" means any building or premises used for slaughtering cattle and approved by the prescribed authority ;

(f) "stock-yard" means an enclosure approved by the competent authority where cattle are assembled for examination by the Veterinary Officer to determine whether they are suitable for slaughter or

¹ For Statement of objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, pp. 267-268.

not, or where cattle approved for slaughtering are housed until they are removed to the slaughter house ;

(g) "carcase" means dead body of a slaughtered animal ;

(h) "market" means a place recognised by competent authority under the rules for the sale of cattle ;

(i) "prescribed" means prescribed by rules framed under this Act.

Prohibition
against
slaughter of
useful
cattle.

3. No person shall slaughter cattle except in a slaughter-house and, during the hours prescribed therefor.

Examina-
tion in
stock-yard.

4. Any person intending to slaughter cattle in a slaughter-house shall first produce the cattle in the stock-yard for examination at least six hours before slaughtering and no cattle shall be slaughtered in a slaughter-house unless they have been so produced, and examined and approved for slaughter.

Exception
for cattle
slaughtered
on Id-uz-
Zuha.

5. Nothing in sections 3 and 4 shall apply to cattle slaughtered on the day of Id-uz-Zuha and on the two days succeeding it and on such other occasions or days as may be prescribed by rules.

Prohibition
of slaughter.

6. No cattle shall be slaughtered and no one shall sell or purchase or procure cattle meat on such days as may be prescribed.

Prohibition
of certain
sales, etc.

7. No one shall sell, expose for sale, possess or transport raw meat of any cattle which has been slaughtered in an area in which this Act is not in force.

Useful cattle
not to be
slaughtered.

8. No person shall slaughter any useful cattle,

Decision as
to useful
cattle.

9. A Veterinary Officer may after examination of cattle brought in the stock-yard decide which are useful cattle and his decision shall, subject to an appeal which may be preferred within 24 hours of such decision to a prescribed authority, shall be final.

Certain
powers
under the
Act.

10. The prescribed authority shall have the power to seize any cattle or carcase, if he has reason to believe that such cattle are being or are about to be slaughtered, or the carcase is that of an animal slaughtered, in contravention of the provisions of this Act, and may dispose of the same in the prescribed manner.

Penalty.

11. (1) Whosoever contravenes any provision of this Act or of the rules framed thereunder shall be punished with fine which may extend to Rs. 1,000 but shall not be less than Rs. 100 or with imprisonment of either description which may extend to six months, or with both.

(2) Anyone who abets the commission of any offence under this Act or the rules made thereunder shall be deemed to have committed that offence.

(3) Anyone who is in possession of the premises where an offence under this Act has been committed shall be presumed to have abetted that offence.

12. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely :—

- (i) for the *ante-mortem* and *post-mortem* examination of any cattle ;
- (ii) for the inspection of the meat or carcasses of slaughtered cattle ;
- (iii) for the inspection of slaughter-houses and stock-yards ;
- (iv) for levying fee for slaughtering cattle or for any of the purposes specified in clauses (i) to (iii) of this section ; and
- (v) for all such matters as may be necessary for carrying into effect the purposes of this Act.

ACT No. LXVII OF 1950

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to Amend the City of Karachi Municipal Act, 1933.

**Bombay Act
XVII of
1933.** WHEREAS it is expedient further to amend the City of Karachi Municipal Act, 1933, for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the City of Karachi **Municipal (Amendment) Act, 1950.** Short title
and com-
mencement.

(2) It shall come into force at once and it shall remain in force up to 30th April, 1952.

2. In section 279A of the City of Karachi Municipal Act, 1933— Amendment
of section
279A, Bom-
bay Act,
XVII of
1933.

(a) in sub-section (3), for the words " powers of a Census Officer under the Indian Census Act, 1939 " the words " powers conferred upon a Census Officer by the Census Act, 1949 " shall be substituted.

3. In section 280 of the City of Karachi Municipal Act, 1933— Amendment
of section
280, Bom-
bay Act,
XVII of
1933.

(a) for sub-section (6), the following shall be substituted, namely :—

" (6) The Municipal Commissioner shall receive such salary and conveyance allowance, if any, as the Governor-General may determine : "

and

(b) after sub-section (7), the following new sub-section shall be added, namely :—

" (8) Upon the appointment of a Municipal Commissioner under sub-section (2), the term of office of the Chief Officer shall stand forthwith terminated and his office shall thereupon, notwithstanding anything in this Act, be held in abeyance and all the powers, functions and duties of that office conferred or imposed by or under this Act shall thereupon be exercised and performed by the Municipal Commissioner, who shall continue to exercise and discharge the same, until the re-establishment of the Corporation :

Provided that nothing in this sub-section shall be deemed to forbid the grant of such compensation, if any, as the Provincial Government may think fit, to the Chief Officer whose term of office is ended by this sub-section if nothing appears which would, but for this sub-section, have rendered him liable to removal by the Provincial Government under sub-section (2) of section 31. "

1. For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, P. 271.

ACT No. LXVIII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Code of Civil Procedure, 1908.

V of 1908 WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing ;

It is hereby enacted as follows :

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1950. Short title and commencement..

(2) It shall come into force on such date as the Central Government may by notification in the official Gazette appoint.

V of 1908 2. In rule 25 of Order V of the Code of Civil Procedure, 1908, hereinafter referred to as the said Code, after the words "the summons shall," the words "except in the cases mentioned in rule 26A" shall be inserted. Amendment of rule 25 of Order V, Act V of 1908.

3. After rule 26 of Order V of the said Code, the following rule shall be inserted, namely :

"26A. Where the defendant is a servant (not belonging to the military, naval or air forces) of any Government in India, or a servant of a railway company or local authority in India, the summons together with a copy of it to be retained by the defendant shall be sent, with a request that it may be served on the defendant,—

- (a) in the case of a defendant serving in connection with the affairs of the Government of India or a servant of a Railway in India, to the Secretary to the Government of India in the Ministry of Home Affairs, and
- (b) in the case of a defendant serving in connection with the affairs of any other Government in India, or in the case of a servant of a local authority in India, to the Home Secretary to that Government or, as the case may be, to the Home Secretary to the Government in whose territories the local authority has its jurisdiction".

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 275.

ACT No. LXIX OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Registration Act, 1908.

WHEREAS it is expedient further to amend the Registration Act, 1908 (XVI of 1908), for the purpose hereinafter appearing :

It is hereby enacted as follows :

1. (1) This Act may be called the Registration Short title
(Amendment) Act, 1950. and con-
menement.

(2) It shall come into force at once.

2. In sub-section (2) of section 30 of the Registra- Amendment
tion Act, 1908, for the words "The Registrar of the of section 30
Lahore District" the words "The Registrar of the Act XVI of
Dacca District and the Registrar of the Lahore 1908
District" shall be substituted.

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 275.

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ACT No. LXX OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to provide for the accelerated withdrawal of Pakistan inscribed notes and India coin.

WHEREAS it is expedient that Pakistan inscribed notes and India coin should be withdrawn from circulation at as early a date as possible ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan Inscribed Notes and India Coin Withdrawal Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Interpretations.

(a) "Pakistan inscribed notes" means Reserve Bank of India notes of the denomination of two rupees, five rupees, ten rupees and hundred rupees, and Government of India notes of the denomination of one rupee inscribed with the words "Government of Pakistan" in English and Urdu and issued in Pakistan under the Pakistan (Monetary System and Reserve Bank) Order, 1947, and the State Bank of Pakistan Order, 1948, on or after the first day of April, 1948, and

(b) "India coin" includes India rupee coin other than India one rupee notes and India subsidiary coin as defined in Article 2 of Part I of the Pakistan (Monetary System and Reserve Bank) Order, 1947.

3. Notwithstanding anything contained in the State Bank of Pakistan Order, 1948, the Pakistan Currency Ordinance, 1948, or the Pakistan Coinage Act, Pakistan inscribed notes and India coin shall, with effect from such date or dates as the Central Government may by notification in the official Gazette in each case appoint, cease to be legal tender and exchangeable : Pakistan inscribed notes and India coin to cease to be legal tender.

Provided that any such note or coin may, within such further period after the date or dates so appointed as may be specified by the Central Government by a like notification, be tendered in person or by post for exchange at such offices of the State Bank of Pakistan as may be specified for the purpose with an application in writing showing cause why the note or coin could not be so tendered before the date so appointed, and any such office may, if satisfied that the cause shown is sufficient, exchange the note or coin.

1. For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 72.

ACT No. LXXI OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]
(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Pakistan Penal Code.

WHEREAS it is expedient further to amend the Pakistan Penal Code for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan Penal Code (Amendment) Act, 1950.

Short title and commencement.

(2) It shall come into force at once.

XLV of 1860 2. After section 123 of the Pakistan Penal Code the following new section shall be inserted, namely :—

Insertion of new section 123A Act XLV of 1860.

“123A. *Condemnation of the creation of the State, and advocacy of abolition of its sovereignty.*”

(1) Whoever, within or without Pakistan, with intent to influence, or knowing it to be likely that he will influence, any person or the whole or any section of the public, in a manner likely to be prejudicial to the safety of Pakistan, or to endanger the sovereignty of Pakistan in respect of all or any of the territories lying within its borders, shall by words, spoken or written, or by signs or visible representation, condemn the creation of Pakistan by virtue of the partition of India which was effected on the fifteenth day of August, 1947, or advocate the curtailment or abolition of the sovereignty of Pakistan in respect of all or any of the territories lying within its borders, whether by amalgamation with the territories of neighbouring States or otherwise, shall be punished with rigorous imprisonment which may extend to ten years and shall also be liable to fine.

(2) Notwithstanding anything contained in any other law for the time being in force, when any person is proceeded against under this section, it shall be lawful for any Court before which he may be produced in the course of the investigation or trial, to make such order as it may think fit in respect of his movements, of his association or communication with other persons, and of his activities in regard to dissemination of news propagation of opinions, until such time as the case is finally decided.

(3) Any Court which is a Court of appeal or of revision in relation to the Court mentioned in sub-section (2) may also make an order under that sub-section,”

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 277.

ACT No. LXXII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Press (Emergency Powers) Act, 1931

WHEREAS it is expedient further to amend the Press (Emergency Powers) Act, 1931, for the purpose hereinafter appearing ;

It is hereby enacted as follows :

1. (1) This Act may be called the Press (Emergency Powers) (Amendment) Act, 1950.

Short title
and com-
mencement.

• (2) It shall come into force at once.

2. In sub-section (1) of section 4 of the Press (Emergency Powers) Act, 1931, after clause (c), the following new clause shall be inserted, namely :—

XXIII of
1931.

Insertion of
new clause
(cc), Act.
XXIII of
1931.

“(cc) to condemn the creation of Pakistan by virtue of the partition of India which was effected on the fifteenth day of August, 1947, or to advocate the curtailment or abolition of the sovereignty of Pakistan in respect of all, or any of the territories lying within its borders, whether by amalgamation with neighbouring states or otherwise,

or”.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, P. 277.

Price : Anna 1

ACT No. LXXIII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act further to amend the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, for the purposes hereinafter appearing ;

It is hereby enacted as follows :

1. (1) This Act may be called the Code of Criminal Procedure (Second Amendment) Act, 1950. Short title
and com-
mencement.

(2) It shall come into force at once.

2. In clause (a) of section 108 of the Code of Criminal Procedure, 1898, after the words "punish-
V of 1898. able under" the words, figures and letter "section 108.
123A or" shall be inserted.

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 278.

ACT NO. LXXIV OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 23rd October, 1950.)

An Act to provide for dealing with vagrancy in the Capital of the Federation.

WHEREAS it is expedient to provide for dealing with vagrancy in the Capital of the Federation ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Vagrancy Short title, extent and commencement. (Capital of the Federation) Act, 1950.

(2) It extends to the Capital of the Federation.

(3) It shall come into force on such day as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless there is anything repugnant Definitions. in the subject or context—

(1) "Child" means a person who has not completed his fourteenth year and is neither a contagious leper nor a lunatic ;

(2) "Old, disabled or infirm" means and includes a person who by reason of age, disease, affliction, or physical or mental defect is, in the opinion of the Court, not capable of earning his livelihood and is neither a contagious leper nor a lunatic ;

(3) "Poor House" means a house or institution for the detention and maintenance of vagrants who are children or old, disabled and infirm persons, and set up for the purpose by the Central Government or any private person or persons ;

(4) "Prescribed" means prescribed by rules made under this Act ;

(5) "Public place" includes a railway train or any motor vehicle or carriage ;

(6) "Special Magistrate" means a Magistrate empowered under section 3 ;

(7) "Vagrant" means a person of any age or either sex who—

(a) solicits or receives alms in a public place ;

(b) enters on any private premises without the permission of the occupier for the purpose of soliciting or receiving alms ;

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 233.

- (c) exposes or exhibits with the object of obtaining alms any sore, wound, injury, deformity or disease ;
- (d) has no ostensible means of subsistence or no fixed abode and is or remains in any public place in such condition or manner as makes it likely that he lives by soliciting or receiving alms ; or
- (e) allows himself to be exhibited for the purpose of soliciting or receiving alms ;

but does not include a person who—

- (i) solicits or receives alms in any place of Hindu worship, or
- (ii) solicits or receives money, food or gifts in accordance with any religious usage, or for a purpose authorised by any law or authorised in the prescribed manner by the Central Government :

Provided that on the application of the trustee or trustees of any place of Hindu worship, the Central Government may, in the manner prescribed, direct that "vagrant" shall include a person who solicits or receives alms in such place.

Special
Magistrate.

3. The Central Government may empower any Magistrate of the First Class as a Special Magistrate for the purposes of this Act.

Power of
arrest.

4. (1) Any police officer authorised in this behalf in pursuance of a direction of the Central Government may arrest without warrant any person who appears to him to be a vagrant :

Provided that no such person shall be so arrested if he furnishes bail for appearance before the Special Magistrate.

(2) The police officer making the arrest shall, without unnecessary delay, take or send the person so arrested to a Special Magistrate.

(3) The provisions of section 61 of the Code of Criminal Procedure, 1898, shall apply to every person arrested under this section and the custody in which he may be detained until he is brought before the Special Magistrate shall be such as may be prescribed. V of 1898.

Declaration
of persons as
vagrants.

5. (1) When a person is brought before a Special Magistrate under section 4, the Special Magistrate shall make a summary inquiry into the circumstances and character of such person.

(2) If the enquiry referred to in sub-section (1), cannot be completed forthwith, the Special Magistrate may adjourn it from time to time and order the person to be remanded for not longer than 7 days at a time to such place and custody as may be prescribed.

(3) If on completing an inquiry under this section, the Special Magistrate is not satisfied that such person is a vagrant, he shall order him to be released forthwith.

(4) If on completing the inquiry the Magistrate is satisfied that such person is a vagrant, he shall make a declaration to that effect and shall further inquire whether the said vagrant is a child, or an old, disabled or infirm person within the meaning of this Act.

6. (1) A person declared a vagrant under the preceding section shall, if upon the further enquiry required by sub-section (4) of that section he is found to be neither a child nor an old, disabled or infirm person, be liable to be ordered to be detained. Detention of vagrants.

(2) Such detention may, upon a first declaration of vagrancy, extend to a period not exceeding one month, and upon any subsequent declaration to a period not exceeding six months.

(3) So long as there remains in force in respect of any person an order under this section directing that he be detained, he shall be liable to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment of offences and breaches of discipline as the Central Government may from time to time specify, and discipline shall include the imposition of manual and such other work as may be prescribed.

7. (1) Any person declared a vagrant under section 5 and found in the further enquiry required by sub-section (4) of that section to be a child or an old, disabled or infirm person, shall be so certified by the Special Magistrate and be ordered to be detained in a Poor House. Detention in the Poor House.

(2) Any person ordered to be detained under this section shall be sent under police custody to a Poor House, along with the said certificate of which a copy shall be sent to the Central Government, and there detained until he is discharged in accordance with the provisions of section 11.

8. When in respect of any vagrant a certificate has been issued under sub-section (1) of section 7 and there is any child, being a child within the meaning of this Act, dependent on him, the Special Magistrate may direct that such child may also be sent to the Poor House. Dependent children.

9. (1) If in the course of the further inquiry required by sub-section (4) of section 5 it appears to the Special Magistrate that the person declared a vagrant under that section belongs to any territory outside the Capital of the Federation, he may, instead of proceeding under section 6 or section 7, by order in writing direct the vagrant to leave the Capital of the Federation with such children dependent on him as may be named in the order and within such time and Externment of vagrant.

by such route as may be stated in the order and not to return thither without his permission in writing.

(2) When a vagrant against whom an order has been made under sub-section (1) fails to comply with such order or returns to the Capital without the permission in writing of the Special Magistrate, he may be arrested without warrant by any police officer and shall be liable, on conviction before a Magistrate, to be punished with rigorous imprisonment for a term which may extend to one year.

(3) Nothing in sub-section (2) shall be construed as rendering any child liable to be proceeded against thereunder.

Conduct and discipline.

10. A vagrant detained in the Poor House under this Act shall be subject to such rules of conduct and discipline including the imposition of manual and such other work as may be in keeping with his general state of health and as may be prescribed.

Discharge from Poor House.

11. (1) A vagrant may be discharged from the Poor House under the written order of the Special Magistrate—

- (a) if he is satisfied that satisfactory employment has been obtained for the vagrant, or
- (b) that the vagrant has become possessed of an income sufficient to support himself without resort to vagrancy ;
- (c) on a relative of the vagrant, or a person in respect of whom the Magistrate is satisfied that he is interested in the welfare of the vagrant, entering into a bond with or without sureties in such sum as may be prescribed, to look after and maintain the vagrant and to prevent him from resorting to vagrancy ;
- (d) for other good and sufficient reasons to be recorded by the Special Magistrate in writing.

(2) When the employment referred to in clause (a) of sub-section (1) is obtained for a vagrant detained in a Poor House, or discharged from a Poor House in order to take up that employment, a vagrant refusing or wilfully neglecting to take up the same shall be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to six months.

Punishment for employing or causing persons to solicit or receive alms.

12. Whoever employs or causes any person to solicit or receive alms, or abets the employment or the causing of a person to solicit or receive alms, or exhibits a person for the purpose of soliciting or receiving alms, or whoever, having the custody, charge, or care of a child, connives at or encourages the employment or the causing of the child to solicit or receive alms

shall be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to two years or with fine or with both.

13. Any vagrant who escapes from any custody or detention to which he has been committed under this Act or any rules made thereunder may be arrested without warrant and shall for any such offence be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to one year.

Punishment for escape from custody.

14. No prosecution for an offence under section 13 shall be commenced except by, or with the permission of, such officer as may be authorised in this behalf by the Central Government.

Prosecution for escape.

15. Every person imprisoned under the provisions of section 13 shall at the end of his term of imprisonment be sent back, under police custody, to the custody or detention from which he escaped, and there kept for the purpose for which he was entrusted to that custody or detention before his escape.

Procedure at end of imprisonment for escape.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Indemnity.

17. Notwithstanding anything in any other law for the time being in force an appeal shall lie to the District Magistrate from any conviction or order of detention under this Act, and the order of the District Magistrate in appeal shall be final.

Appeal.

18. (1) The Central Government may make rules for carrying out the purposes of this Act.

Rules.

(2) Without prejudice to the generality of the foregoing power such rules may provide for the conduct and inspection of Poor Houses and the maintenance of persons detained therein.

19. The Central Government may, by notification in the official Gazette, direct that any power or duty conferred or imposed upon it by or under this Act, or any document required by or under this Act to be submitted to it shall be exercised or performed or submitted to, as the case may be, such officer subordinate to it as may be specified in the direction.

Delegation of powers.

ACT No. LXXV OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 24th November, 1950.)

An Act further to amend the Tariff Act, 1934.

XXXII of 1934. WHEREAS it is expedient further to amend the Tariff Act, 1934, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Tariff (Second Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

XXXII of 1934. 2. In the Second Schedule to the Tariff Act, 1934, Amendment for the entry in the third column against item No. 3 of the Second Schedule, Act XXXII of 1934, relating to raw cotton, the following shall be substituted, namely :—

“ At such rate not exceeding Rs. 300 per bale of 400 lbs. as the Central Government by notification in the official Gazette may from time to time determine. ”

V of 1950. 3. The Tariff (Amendment) Ordinance, 1950, is hereby repealed, and the amendment made by this Act in the Tariff Act, 1934, shall be deemed to have taken effect as if this Act had commenced on the twenty-third day of October, 1950. Repeal of Ordinance V of 1950.

XXXII of 1934.

¹ For Statement of Objects and Reasons, See Gazette of Pakistan, 1950, Pt. V, p. 298.

ACT NO. LXXVI OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 7th December, 1950.)

An Act to make provision for preventing smuggling of foodgrains in East Bengal.

WHEREAS it is expedient to make provision for preventing smuggling of foodgrains in East Bengal ;

It is hereby enacted as follows :—

1. (1) This Act may be called the East Bengal (Smuggling of Foodgrains) Act, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of East Bengal.

(3) It shall come into force at once.

2. In this Act—

Definitions.

(a) "fair price" means the price of foodgrains fixed by a Sub-Divisional Magistrate according to its quality and not exceeding the maximum price fixed by the Provincial Government in this behalf ;

(b) "foodgrains" means any of the foodgrains specified in the Schedule to this Act ;

(c) "notified order" means an order notified in the official Gazette ;

(d) "prescribed" means prescribed by rules made under this Act ; and

(e) "smuggling" means carrying, taking or sending by any means whatsoever foodgrains out of the Province of East Bengal except under a permit issued by the Central Government or the Provincial Government or any person or authority authorized by the Central Government or the Provincial Government in this behalf or otherwise exempted by any special or general order of the Central Government or the Provincial Government and shall include an attempt to carry, take or send foodgrains out of the Province of East Bengal.

3. No person shall smuggle foodgrains or store the same with intent to smuggle.

Prohibition
against
smuggling.

Explanation.—Foodgrains in the possession or under the control of a servant or agent of any person on his behalf shall be deemed, for the purposes of this Act, to be under the control of that person.

4. (1) Any officer authorised by the Provincial Government in this behalf by general or special order may—

Power of
inspection
and search.

(a) enter upon and inspect any premises, vehicle or vessel in which he has reason to

1. For Statement of Objects and Reasons, see Gazette of Pakistan 1950, Pt. V, p. 261.

believe that any foodgrains are kept with intent to contravene this Act;

- (b) require any person to produce any books, accounts, vouchers or other documents relating to the purchase, sale or storage for sale of any foodgrains or to furnish such information relating to such purchase, sale or storage for sale or the stock of foodgrains in his possession or under his control as the officer authorised as aforesaid may consider necessary; and
- (c) hold enquiries and in the course of such enquiries receive and record evidence.

(2) When holding an inquiry under this section the officer aforesaid shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the discovery or production of documents, articles and things; and
- (c) any matter which may be prescribed.

Procedure
for seizure
and report.

5. (1) When an officer authorised under section 4 has reason to believe that a contravention of section 3 has occurred or is likely to occur in respect of any foodgrains, such foodgrains together with any animal, vehicle, vessel or containers used for the purposes of the contravention, may be seized by such officer.

(2) Any person in charge or control of such animal, vehicle, vessel or containers shall proceed with the same to such place or places as the officer making the seizure may require.

(3) Every officer making a seizure under this section shall, so far as may be, follow the procedure laid down in the Code of Criminal Procedure, 1898, in respect of seizures and shall mark the seized foodgrains or other property with a mark indicating that the same has been so seized and shall forthwith make a report of such seizure to the sub-divisional magistrate in the prescribed form:

Provided that where the Provincial Government by general or special order so directs the officer making the seizure shall dispose of the foodgrains and any containers seized therewith and retain only so much of such foodgrains as is required as a representative sample for the purposes of evidence.

Powers of the
sub-divisional
magistrate.

6. The sub-divisional magistrate may—

- (i) direct, by written order, the immediate restoration of any foodgrains or other property seized under section 5, or the payment of the fair price of the foodgrains disposed of under the proviso to sub-section (3) of section 5, to the person entitled to the same

if he is satisfied that no contravention of section 3 has been committed ;

- (ii) release any foodgrains or property seized under section 5 on the execution of a bond by a reliable person to produce the foodgrains or property when so required before him or before the officer-in-charge of the nearest police station ;
- (iii) direct the sale of the whole or a part of any foodgrains seized under section 5 ; or
- (iv) direct the payment of an amount equal to the fair price of the foodgrains to the person from whom the foodgrains were seized.

7. (1) Notwithstanding anything contained in any other law for the time being in force, if the sub-divisional magistrate is satisfied that in respect of any foodgrains which have been seized under section 5, a contravention of section 3 has been committed, he shall forthwith make an order confiscating the same, together with any animal, vehicle, vessel or containers seized therewith, to Government, or, if the said foodgrains have been sold under section 6, so confiscating the proceeds thereof ; and his order, subject to the result of any appeal preferred under section 9, shall be final : Powers to confiscate.

Provided that no order of confiscation of any animal, vehicle, vessel, or containers shall be made unless it is proved that the owner of such animal, vehicle, vessel or container knew or had reason to believe that his animal, vehicle, vessel or container was being used for the contravention of section 3 :

Provided further that no action under this section for confiscation shall be taken without notice to the party affected and without hearing him if he appears and evidence, if any, adduced by him.

(2) The sub-divisional magistrate shall upon making an order under this section send forthwith a true copy thereof to any person affected thereby.

8. When an order for the confiscation of any foodgrains, animal, vehicle, vessel or containers or the proceeds of any foodgrains has been made under section 7 and the period limited by section 9 for an appeal from such order has expired, and no such appeal has been preferred, the said foodgrains, animal, vehicle, vessel or containers or proceeds shall vest in Government. Foodgrains when to vest in Government.

9. An appeal from an order made under section 7 may be presented to the Court of the Sessions Judge within fifteen days from the date of the receipt by the appellant of the copy of such order and the decision of the Sessions Judge shall be final and shall not be subject to revision or review. Appeals.

10. The Provincial Government may delegate all or any of its powers under this Act to any officer subordinate to it. Delegation of power.

- Penalty.** 11. Any person who contravenes any provision of this Act or any direction made thereunder shall without prejudice to any confiscation to which he may be subjected under section 7, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.
- Public servants.** 12. Every officer duly exercising any power under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860. XLV of 1860.
- Indemnity from suit or other legal Proceedings.** 13. No suit, prosecution or other legal proceedings shall lie against the Provincial Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any order made thereunder or for any loss or damage caused to or in respect of any foodgrains, animal, vehicle, vessel or containers seized by any officer in good faith under this Act or any order made thereunder.
- Rule-making power** 14. The Central Government may, by notified order, make such rules as appear to it to be necessary for carrying out the purposes of this Act.
- Power to amend the schedule.** 15. The Central Government may, by notified order, amend the schedule to this Act by the alteration, deletion or addition of any item.
- Delegation of powers.** 16. The Central Government may direct that any or all the powers exercisable by it under this Act shall be exercised by the Provincial Government.
- Application of the Act to other articles and commodities** 17. The Central Government may, by notification in the official Gazette, apply the provisions of this Act to any article or commodity other than foodgrains and upon such notification the provisions of this Act shall apply to that article or commodity as if that article or commodity were a foodgrain.

SCHEDULE

(See section 2)

1. Rice in the husk (paddy).
2. Rice not in the husk.
3. Wheat.
4. Atta.
5. Flour.
6. Gram.
7. Pulses of various kind (dals).
8. Maize.

ACT No. LXXVII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE)]

(Received the assent of the Governor-General on the 7th December, 1950.)

An Act further to amend the Telegraph Act, 1885.

XIII of
1885.

WHEREAS it is expedient further to amend the Telegraph Act, 1885, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Telegraph Short title and com-
ment.
(Amendment) Act, 1950.

(2) It shall come into force at once.

2. For section 29 of the Telegraph Act, 1885, the Amendment
of section
29, Act
XIII of
1885.
following shall be substituted, namely :—

“ 29. *Sending fabricated or obscene messages.*

If any person transmits or causes to be transmitted by telegraph a message which he knows or has reason to believe to be false or fabricated, or a message which is indecent or obscene, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both. ”

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 285.

ACT NO. LXXVIII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 7th December, 1950)

An Act further to amend the Indian Soldiers (Litigation) Act, 1925.

IV of 1925. WHEREAS it is expedient further to amend the Indian Soldiers (Litigation) Act, 1925, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Soldiers (Litigation) (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

IV of 1925. 2. In the long title and the preamble of the Indian Soldiers (Litigation) Act, 1925, hereinafter referred to as the Act, the word "Indian" shall be omitted. Amendment of long title and preamble, Act IV of 1925.

3. In section 1 of the said Act,—

(a) in sub-section (1), the word "Indian" shall be omitted ; and Amendment of section 1, Act IV of 1925.

(b) for sub-section (2), the following shall be substituted, namely :—

"(2) It extends to all the Provinces and the Capital of the Federation."

4. In clause (b) of section 2 of the Act, the word "Indian" shall be omitted. Amendment of section 2, Act IV of 1925.

5. In section 3 of the Act,—

(a) in the main clause, for the words "an Indian soldier", the words "a soldier" shall be substituted ; Amendment of section 3, Act IV of 1925.

(b) in clause (a), for the words "Persia, Tibet, Afghanistan, Kashmir, Nepal or China", the words "Iran, Afghanistan or Kashmir" shall be substituted, and the word "British" before "Baluchistan" shall be omitted ;

(c) in sub-clause (i) of clause (b), for the word "India" the word "Pakistan" shall be substituted ;

(d) for clause (c), the following clause shall be substituted, namely :—

"(c) overseas—

(i) When he is or has been serving in any place outside Pakistan the journey between which and Pakistan is ordinarily undertaken wholly or in part by sea, or

(ii) when he is serving in East Bengal and the court before which the proceeding to which he is a party is

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V. p. 288

pending is situate in any other part of Pakistan, or when he is serving in such other part and the court before which the proceeding to which the soldier is a party is pending is situate in East Bengal."

Amendment of section 4, Act IV of 1925. 6. In section 4 of the Act, for the words "an Indian soldier" the words "a soldier" shall be substituted.

Amendment of section 5, Act IV of 1925. 7. In section 5 of the Act, the word "Indian" shall be omitted.

Amendment of section 6, Act IV of 1925. 8. In section 6 of the Act, in sub-sections (1) and (2), for the words "an Indian soldier", the words "a soldier" shall be substituted at both places.

Amendment of section 9, Act IV of 1925. 9. In section 9 of the Act, for the words "an Indian soldier" the words "a soldier" shall be substituted.

Amendment of section 10, Act V of 1925. 10. In section 10 of the said Act, in sub-sections (1) and (2) the word "Indian" shall be omitted at both places.

Amendment of section 11, Act IV of 1925. 11. In section 11 of the Act,—

- (a) for the words "Indian Limitation Act" the words "Limitation Act" shall be substituted ;
- (b) for the words "an Indian soldier" the words "a soldier" shall be substituted at both places ; and
- (c) for the word "India", the word "Pakistan" shall be substituted.

Amendment of section 12, Act IV of 1925. 12. In section 12 of the Act,—

- (a) for the words "an Indian soldier" the words "a soldier" shall be substituted ; and
- (b) for the word "India" the word "Pakistan" shall be substituted.

Amendment of section 14, Act IV of 1925. 13. In section 14 of the Act, the word "Indian" shall be omitted.

Amendment of section 14A, Act IV of 1925. 14. For section 14A of the said Act, the following section shall be substituted, namely :—

"14A. *Power to apply the provisions of the Act to members of State Forces.*—The Central Government may, by notification in the official Gazette, direct that all or any of the provisions of this Act shall apply to members of Forces of any Acceding State in the same manner as they apply to soldiers."

ACT NO. LXXIX OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 7th December, 1950)

An Act further to amend the Pakistan (Control of Entry) Ordinance, 1948.

XVII of
1948.

WHEREAS it is expedient further to amend the Pakistan (Control of Entry) Ordinance, 1948, for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan (Control of Entry) (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. To section 3 of the Pakistan (Control of Entry) Ordinance, 1948, hereinafter referred to as the Ordinance, the following words shall be added at the end, namely :— Amendment of section 3, Ordinance XVII of 1948.

“ and no person, having entered any part of Pakistan in possession of a valid permit other than a permit to remain permanently, shall remain in Pakistan after the expiry of the period for which the permit has been granted or renewed. ”

3. In section 6 of the Ordinance, after the words “ entering such part ” the words “ or remaining therein ” shall be inserted. Amendment of section 6, Ordinance XVII of 1948.

1 For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 292.

ACT NO. LXXX OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE)]

(Received the assent of the Governor-General on the 7th December, 1950)

An Act to provide for national service by medical practitioners.

WHEREAS by reason of the shortage of medical practitioners in certain services, and for the sake of the national health, it is expedient to provide for national service by medical practitioners;

It is hereby enacted as follows:—

1. (1) This Act may be called the Medical Practitioners (National Service) Act, 1950.

Short title, extent and commencement.

(2) It extends to all the Provinces and the Capital of the Federation, and applies to all persons liable to be called up or called up under this Act wherever they may be.

(3) It shall come into force on such date² as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act—

Definitions.

“prescribed” means prescribed by rules made by the appropriate Government; and

“appropriate Government” means, as respects persons assigned to or serving in the civilian medical service of a Province, the Provincial Government and in all other cases, the Central Government.

VII of 1916. 3. Every person who is registered under any law for the time being in force as a medical practitioner or who holds a degree, diploma, licence, certificate or other document conferred, granted or issued by any authority referred to in section 3 of the Medical Degrees Act, 1916, or recognised by a Provincial Medical Council, the Pakistan Medical Council or the General Council of Medical Education of the United Kingdom shall, if he has not completed thirty-two years of his age, and if he is a national of Pakistan, be liable to be called up for national service under this Act.

Liability to national service.

4. (1) The period of national service of every person called up under this Act shall be completed on, or as soon as is practicable after, the expiration of a period of three years beginning with the date of his

Period of national service.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 297.

² This Act came into force on the 14th December, 1950, see Gazette of Pakistan, Extraordinary, 1950, p. 951.

reporting himself under section 8 for service under this Act.

Provided that—

- (a) if at the time when that period would otherwise be completed he has become liable to be proceeded against for an offence against naval, military or air force law, or under this Act or any rule made thereunder, that period shall not be completed until he has been tried or otherwise dealt with for that offence and has undergone any punishment awarded therefor; or, if at that time punishment for such an offence as aforesaid has already been awarded, until he has undergone that punishment; and
- (b) in determining when the period of a person's service is completed no account shall be taken—
 - (i) of any day before the day on which he reported himself in pursuance of the calling-up order;
 - (ii) of any period during which he was absent without leave;
- (c) if leave of absence is granted to any person for a period comprising or immediately following the date on which his period of service would otherwise be completed under this Act the Allocation Board may postpone the completion of that period until a date not later than the date of expiry of his leave.

(2) The Allocation Board may direct that a person's service shall be treated as completed at any time earlier than it would otherwise be completed under this Act.

**Territorial
limits of
service.**

5. Every person called up under this Act shall be liable to serve whether within or without Pakistan at such place or places as the Central Government may order:

Provided that in the case of any such person assigned to the civilian medical service of a Province he shall be liable, for so long as he is so assigned, to service at such place or places within the Province as the Provincial Government may order.

**Remunera-
tion and
conditions
of service.**

6. Every person called up under this Act shall receive during his service such remuneration and conditions of service as may be prescribed.

Registration.

7. (1) Notwithstanding anything in the Essential Personnel (Registration) Ordinance, 1948, every such person as is described in section 3 shall submit his name to the Allocation Board to be registered under this Act, and shall furnish to the Board such

information and declaration as may be required by the Board, and in furnishing the same shall be bound to state the truth.

(2) Every person liable at the commencement of this Act or becoming liable thereafter, to be registered thereunder shall submit his name as required by sub-section (1) within one month of such commencement if he is liable at such commencement or if he becomes liable thereafter then within one month of his becoming so liable.

8. (1) Persons liable to be called up under this Act shall be called up by the Allocation Board by an order in such form as may be prescribed. Calling up.

(2) The order shall specify a date, being a date not less than one month and not more than six weeks after the date on which the order is issued, and require the person to whom the order is addressed to report himself in person by that date to an authority to be specified in the order, and to proceed in accordance with such directions as that authority may give him.

9. There shall be an Allocation Board constituted of the persons who for the time being hold office as follows :— Allocation Board.

- (a) the Director-General of Health to the Government of Pakistan, who shall be the Chairman ;
- (b) the Director-General of the Army Medical Services ;
- (c) the Surgeon-General to the Government of East Bengal ;
- (d) the Director of Health Services in the Punjab ;
- (e) the Director of Health Services in Sind ;
- (f) the Inspector-General of Civil Hospitals in the North-West Frontier Province ;
- (g) the Chief Medical Officer in Baluchistan ;
- (h) the Chief Medical Officer of Karachi ; and
- (i) the Chief Medical Officer of the North-Western Railway.

10. The Allocation Board shall by order assign persons called up under this Act to the medical services of the armed forces of Pakistan, and to the civilian medical services of the Federation and the Provinces, and having assigned a person to one such service may by a fresh order assign him to another. Powers and duties of the Allocation Board.

11. (1) The Allocation Board shall follow such procedure as may be prescribed, but no act of the Board shall be called in question in any court on the Procedure of the Board.

ground only that the prescribed procedure was not followed.

(2) All acts and orders of the Board shall be authenticated by the signature of the Chairman or of such person as he may authorise in writing in this behalf.

Penalties.

12. (1) Any person called up under this Act who fails to submit his name for registration as required by section 7 within the time therein specified or who fails to furnish such information or declaration thereunder as may be required by the Allocation Board shall be punishable with imprisonment which may extend to two months and shall also be liable to fine which may extend to two thousand rupees.

(2) Any person called up as aforesaid who fails to report himself as required by section 8 shall be punishable with imprisonment which may extend to six months and shall also be liable to fine which may extend to two thousand rupees.

No one to leave service before release.

13. (1) No person called up under this Act or in service at the commencement thereof in any medical service of the Federation or a Province shall leave his post, appointment or service without leave of absence or until released.

(2) Leave of absence may be granted by the appropriate Government, or by such authority subordinate thereto as it may specify, and release may be granted—

(a) in respect of persons called up under this Act, by the Allocation Board, and

(b) in respect of persons in service as aforesaid, by the appropriate Government.

(3) Nothing in this section shall be deemed to authorise the retention of any person in service beyond the age of superannuation relating to the service to which he belongs.

(4) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to six months and shall also be liable to fine which may extend to two thousand rupees.

Refusal to serve.

14. Any person who, having been called up under this Act, is required to report himself under the provisions of sub-section (2) of section 8 and refuses so to report himself, or having so reported himself departs without the permission of the authority to which he has reported himself, or refuses to serve under this Act shall be punishable with imprisonment which may extend to six months and shall also be liable to fine which may extend to two thousand rupees.

Resignation by persons already in service.

15. No person in service at the commencement of this Act in any medical service of the Federation or a Province shall be permitted, notwithstanding that he may not have been called up under this Act to

resign the service without the prior permission of the appropriate Government.

16. Any person who having been called up for national service under this Act or being in service as aforesaid at the commencement thereof is dismissed for wilful misconduct, shall, if within the period of three years next following his dismissal, he sets up private practice or seeks employment, be punishable with imprisonment which may extend to six months and shall also be liable to fine which may extend to two thousand rupees. Dismissal for misconduct.

17. (1) The appropriate Government may, by notification in the official Gazette, make such rules as appear to it to be necessary for carrying into effect the purposes of this Act. Power to make rule.

(2) In making such rules the Central Government may provide that the breach or contravention of any rule shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand rupees.

18. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. Bar of suits.

19. Subject to the provisions of this Act and the rules made thereunder, and provided always that no right of pension shall, in virtue only of this section, accrue to any person called up under this Act in respect of any period of national service performed thereunder by him, every such person shall, for the duration of such service, be subject to the law governing the medical service to which he is for the time being assigned, including the rules and regulations relating to such medical service, but no further. Application of service laws, etc.

ACT NO. LXXXI OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE)]

(Received the assent of the Governor-General on the 7th December, 1950)

An Act to continue for a limited period the Railways (Transport of Goods) Act, 1947.

WHEREAS it is expedient to continue for a limited period the Railways (Transport of Goods) Act, 1947 ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Railways (Transport of Goods) (Continuance) Act, 1950.

(2) It shall come into force on the twenty-fifth day of March, 1951.

2. (1) The Railways (Transport of Goods) Act, Continuance of Act XII
1947, is hereby continued in force, subject to the provisions of sub-section (2) of this section. of Act XII
of 1947.

(2) In sub-section (3) of section 1 of that Act, for the word "four" the word "seven" shall be substituted.

1 For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 286.

Price : Anna 1

ACT NO. LXXXII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 7th December, 1950)

An Act further to amend the Indian Army Act, 1911.

VIII of 1911. WHEREAS it is expedient further to amend the Indian Army Act, 1911, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Army Short title
(Amendment) Act, 1950. and com-
mencement.

(2) It shall come into force at once.

VIII of 1911. 2. For sub-section (2) of section 12 of the Indian Amendment
Army Act, 1911, the following sub-section shall of section
be substituted, namely :— 12, Act VIII
of 1911.

“(2) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will be faithful and bear true allegiance to the Constitution and the Government of the Dominion of Pakistan and that he will serve in the Pakistan Army and go wherever he is ordered by land, sea or air, and that **he will obey all commands of any officer** set over him, even to the peril of his life.”.

¹For Statement of Objects and Reasons, see 'Gazette of Pakistan' 1950, Pt. V, p. 289.

ACT NO. LXXXIII OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 7th December, 1950)

An Act further to amend the Indian Air Force Act,
1932.

WHEREAS it is expedient further to amend the
XIV of 1932. Indian Air Force Act, 1932, for the purposes herein-
after appearing :

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Air Force (Amendment) Act, 1950. Short title
and com-
mencement.

(2) It shall come into force at once.

2. For sub-section (2) of section 12 of the
XIV of 1932. Indian Air Force Act, 1932, the following sub-section
shall be substituted, namely :— Amendment
of section 12.
Act XIV of
1932.

“(2) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will be faithful and bear true allegiance to the Constitution and the Government of the Dominion of Pakistan and that he will serve in the Royal Pakistan Air Force and go wherever he is ordered by air, land or sea, and that he will obey all commands of any officer set over him, even to the peril of his life.”

1 For Statement of Objects and Reasons. see 'Gazette of Pakistan', 1950, Pt. V, p. 289.

ACT No. LXXXIV OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 7th December, 1950.)

An Act further to amend the Ancient Monuments Preservation Act, 1904.

WHEREAS it is expedient further to amend the Ancient Monuments Preservation Act, 1904, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Ancient Monuments Preservation (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In section 2 of the Ancient Monuments Preservation Act, 1904 (hereinafter referred to as the said Act),— Amendment of section 2, Act VII of 1904.

(a) after clause (3), the following new clause shall be inserted, namely :—

“(3A) ‘ Director ’ means the Director of Archaeology in Pakistan ; ” ;

(b) in clause (4), after the word “ cleansing ” the words “ and keeping clean the premises and precincts ” shall be inserted ;

(c) at the end of clause (5), the word “ and ” shall be omitted ;

(d) for the word and full stop “ trustee. ” at the end of the proviso to clause (6), the words and semicolon “ trustee ; and ” shall be substituted ; and

(e) after clause (6), the following new clause shall be added, namely :—

“(7) ‘ Superintendent ’ means the Superintendent of the Archaeological Survey of Pakistan (hereinafter referred to as the Survey). ”.

3. After section 2 of the said Act, the following new section shall be inserted, namely :— Insertion of new section 2A, Act VII of 1904.

“ 2A. Power to inspect.—(1) For the purpose of ascertaining whether the provisions of this Act or the rules made thereunder are being complied with or should be applied in respect of any place or area, the Director or any officer of the Survey authorised by him in this behalf in writing may, subject to any rules made under this Act, enter and inspect any place or area which he may have reason to believe to be or to contain an ancient monument or which in his opinion may contain buried or other antiquities :

Provided that no place or area actually in use for religious purposes shall be so entered save by a person who professes that religion, and that no such place or area nor any place or area in bona fide private occupation shall be so entered save with the permission of the person or body having the right to grant the same.

- (2) Where such permission is refused without reasonable cause the matter shall be referred by the Director or officer authorised by him as aforesaid to the Collector who after such enquiry as he thinks fit may authorise the entry and inspection on such conditions as he may consider necessary.
- (3) Where the place or area to be inspected is closed and the whereabouts of the person or body having the right to grant permission as aforesaid are not known an application in this behalf shall be made by the Director or officer aforesaid to the Collector, who, after such enquiry as he thinks fit, and after publication of a notice in the prescribed manner requiring such person or body to open the place or area within such time as may be stated in the notice, may, upon such conditions as he may consider necessary, authorise the Director or officer aforesaid to open and enter the place or area and inspect the same.
- (4) The Director or officer aforesaid may, subject to any rule made under this Act and under the conditions specified in the preceding sub-sections enter any such place or area mentioned in sub-section (1) for the purpose of causing any site or building, monument, remains or antiquities therein to be photographed, copied or reproduced by any process suitable for the purpose."

Amendment of sections 4, 5, 9, 11 and 12, Act VII of 1904. 4. In sections 4, 5, 9, 11 and 12 of the said Act, for the word "Collector" or the word "Commissioner" wherever either word occurs, the word "Director" shall be substituted at all places.

Amendment of section 13, Act VII of 1904.

5. In section 13 of the said Act,—

- (a) after sub-section (1), the following new sub-section shall be inserted, namely:—

"(1-A) A place of worship or a shrine in respect of which an order of protection or preservation under this Act has been made shall be maintained by the person or body in whom it is vested, or if there is no such person or body, by the Government, and a rule made under this section may provide that any person contravening the same shall be punishable with a fine which may extend to one hundred rupees, and, in the case of a continuing contravention, with a further fine of ten rupees for every day during which the contravention continues." ; and

- (b) in sub-section (2) for the word "Collector" the word "Director" shall be substituted and the words "the Commissioner" shall be omitted.

Amendment of section 14, Act, VII of 1904.

6. In section 14 of the said Act, for the word "Commissioner" the word "Director" shall be substituted.

Amendment of section 17 for Act VII of 1904.

7. In section 17 of the said Act, in sub-section (1), for the word "India" the word "Pakistan" shall be substituted.

8. In section 19 of the said Act, in sub-section (1), ^{Amendment of section 19, Act VII of 1904.} after the word and comma "decay," the words and comma "or is of opinion that it should be preserved in the interests of archæological or historical research," shall be inserted.

9. For section 20 of the said Act, the following shall ^{Substitution of new section 20, Act VII of 1904.} be substituted, namely :—

" 20. Power to notify areas as protected areas.—

- (1) The Central Government may, by notification in the official Gazette, declare any area, which, in its opinion, it is necessary in the interests of archæological and historical research to protect, to be a protected area.
- (2) A copy of the notification shall be affixed in a conspicuous place in or near the area, together with a notice in writing dated and signed by the Collector and stating that any objection to the declaration will be taken into consideration if received by the Central Government on or before a further date to be expressed in the notice, being a date not less than four and not more than five weeks from the date on which the notice is signed.
- (3) On the expiry of the period limited by the notice the Central Government, after considering the objection, if any, shall, by a further notification, confirm or withdraw the notification under sub-section (1), and a copy of the further notification shall be affixed as provided in sub-section (2) but so as to obliterate the notification under sub-section (1).
- (4) No person shall erect any construction or make any excavation for any purpose other than archæological or historical research within a protected area without the permission of the Collector.
- (5) The Collector shall not grant permission for any such construction or excavation if the Director certifies that the construction or the excavation is likely to hinder archæological or historical research in the said area or to result in the loss of archæological or historical material which in the national interest should be preserved :

Provided that the Collector shall not refuse permission if he is satisfied that the construction not being a dwelling house is required for purposes subservient to agriculture, or that the excavation is necessary for the proper cultivation of the land within the said area.

- (6) Any person whose application for such permission is refused may appeal to the Commissioner whose orders shall be final.

- (7) Any person whose application as aforesaid has been rejected and who claims to have suffered loss by reason of such rejection may, by an application to the Collector, claim compensation and the Collector shall assess and grant the same :

Provided that compensation shall not be granted so as to exceed the difference between the market value of the land at the time of the claim having regard to the restrictions imposed on its use under this section and the market value immediately before the imposition of the same.

- (8) Any person who erects a construction or makes an excavation within an area in respect of which a notification has been published under sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.
- (9) The Collector may direct that any construction erected without permission after the publication of a notification under sub-section (1) shall be removed within such period as he may fix and if the owner does not comply with the order the Collector may cause the building to be removed and may recover from the owner the cost of removal as arrears of land revenue. "

Amendment of section 20A, Act VII of 1904. 10. In section 20A of the said Act, in sub-section (1), for the words "Archæological Department" the word "Survey" shall be substituted.

Amendment of section 21, Act VII of 1904. 11. In section 21 of the said Act, in sub-section (1) after the words "in respect of anything done under this Act" the words "except the compensation to be paid by Government under sub-section (7) of section 20" shall be inserted.

ACT NO. LXXXV OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 7th December, 1950)

An Act to provide for the application of the Indian Army Act, 1911, to certain officers of the Pakistan Army.

VIII of 1911. WHEREAS it is expedient to provide for the application of the Indian Army Act, 1911, to certain officers of the Pakistan Army who held His Majesty's Commissions in the Land Forces ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Army Short title
and com-
mencement.
(Application of Provisions) Act, 1950.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

VIII of 1911. 2. Notwithstanding anything contained in the Indian Army Act, 1911, or any other enactment for the time being in force, an officer of the Pakistan Army being a national of Pakistan who holds a Commission in His Majesty's Land Forces shall be deemed to be an Indian Commissioned Officer within the meaning of clause (2) of section 7 of that Act and all the provisions of that Act shall apply to him accordingly. Application
of the Indian
Army Act,
1911, to cer-
tain officers.

VIII of 1911. 3. Nothing in this Act or in any other enactment for the time being in force shall derogate from the conditions of service, as respects remuneration, leave, pension and gratuity, or as respects other similar rights, to which an officer to whom the Indian Army Act, 1911, is applied under section 2 was entitled before the commencement of this Act. Saving of
existing
rights.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, p. 300.

ACT NO. LXXXVI OF 1950¹

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY (LEGISLATURE).]

(Received the assent of the Governor-General on the 7th December, 1950)

An Act further to amend the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948.

XV of 1948. WHEREAS it is expedient further to amend the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Pakistan Refugees Rehabilitation Finance Corporation (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

XV of 1948. 2. In section 2 of the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948, for clause (a) the following shall be and shall be deemed always to have been substituted, namely :— Amendment of section 2, Ordinance XV of 1948.

“ (a) ‘refugee’ means a person who, having been ordinarily resident in any place in the territories now comprising India, or in any area occupied by India, has, on account of the setting up of the Dominions of Pakistan and India, or on account of civil disturbances or the fear of such disturbances, taken refuge in Pakistan ”.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1950, Pt. V, pp. 300 and 301.

(Published in the Gazette of Pakistan, Extraordinary, dated the 23rd March, 1950.)

ORDINANCE NO. I OF 1950.

AN

ORDINANCE

to extend the life of the Imports and Exports (Control) Act, 1947 (XVIII of 1947).

WHEREAS an emergency has arisen which makes it necessary to continue for a limited period powers to prohibit, restrict or otherwise control imports into and exports from Pakistan ;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Imports and Exports (Control) Ordinance, 1950.

Short title,
extent and
commence-
ment.

(2) It extends to all the Provinces and Capital of the Federation.

(3) It shall come into force at once.

2. In sub-section (3) of section 1 of the Imports and Exports (Control) Act, 1947, for the words "for a period of three years" the words, comma and figures "until the thirtieth day of April, 1950" shall be substituted.

Amendment
of section 1,
Act XVIII
of 1947.

K. NAZIMUDDIN,
Governor-General.

Price : Anna 1

ORDINANCE No. II of 1950.

**An Ordinance further to amend the State Bank of Pakistan
Order, 1948.**

WHEREAS an emergency has arisen which makes it necessary further to amend the State Bank of Pakistan Order, 1948, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the State Bank of Pakistan (Amendment) Ordinance, 1950. Short title
and com-
mencement.

(2) It shall come into force at once.

2. In clause 13 of the State Bank of Pakistan Order, 1948, (hereinafter referred to as the said Order) after sub-clause 6, the following new sub-clause shall be inserted, namely :— Amendment
of clause 13,
State Bank
of Pakistan
Order, 1948.

“(6a) the drawing, accepting, making and issue, on its own account or on account of the Central Government, as the case may be, of any bill of exchange, hundi, promissory note or engagement for the payment within or without Pakistan of Pakistan or foreign currency payable to bearer or to a banker on demand :

Provided that the business mentioned in this sub-clause shall not be carried on or transacted without the previous approval of the Central Government in each case.”

3. In clause 36 of the said Order, after paragraph (q) of sub-clause (2), the word “ and ” shall be omitted and the following shall be inserted, namely :— Amendment
of clause 36,
State Bank
of Pakistan
Order, 1948.

“(qq) the denomination, form, issue, negotiability, encashment and repatriation of the instruments mentioned in sub-clause (6a) of clause 13 ; and ”

K. NAZIMUDDIN,

Governor-General.

Price : Anna 1

GGPPK—37 LD—21.8.50—2,050.

ORDINANCE No. III OF 1950

An Ordinance to amend the State Bank of Pakistan Order, 1948

*(Published in the Gazette of Pakistan, Extraordinary,
dated the 9th June, 1950.)*

WHEREAS an emergency has arisen which renders it necessary to amend the State Bank of Pakistan Order, 1948, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the State Bank of Pakistan (Amendment) Ordinance, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In clause 8 of the State Bank of Pakistan Order, 1948 (hereinafter referred to as the said Order) :— Amendment of clause 8 State Bank of Pakistan Order, 1948.

(a) to sub-clause (6) the following proviso shall be added :—

“ Provided that the Governor, or the Deputy Governor as the case may be, may, in addition to his duties as Governor or Deputy Governor, be entrusted by an Order of the Central Government with such duties in relation to the National Bank of Pakistan for such period as may be specified in the order.” ; and

(b) to sub-clause (8) the following proviso shall be added, namely :—

“ Provided that nothing in paragraph (c) of this clause shall apply where the Governor or Deputy Governor is entrusted with duties in relation to the National Bank of Pakistan by an order of Central Government.”

3. For paragraph (b) of sub-clause (7) of clause 26 of the said Order, the following shall be substituted, namely :— Amendment of clause 26, State Bank of Pakistan Order, 1948.

“ (b) is a banking company as defined in section 277F of the Companies Act, 1913, or a corporation or a company incorporated by or under any law in force in any place in or outside Pakistan.”

KH. NAZIMUDDIN,
Governor-General.

Price : Anna 1

ORDINANCE No. IV OF 1950

An Ordinance to amend the Jute Ordinance, 1949

(Published in the Gazette of Pakistan, Extraordinary,
dated 4th July, 1950.)

WHEREAS an emergency has arisen which makes it necessary to amend the Jute Ordinance, 1949 ;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Jute (Amendment) Ordinance, 1950. Short title
and com-
mencement,

(2) It shall come into force at once.

2. After section 6 of the Jute Ordinance, 1949, the following new section shall be inserted, namely :— Insertion of
new section
6A, in Ord.
XVIII of
1949.

“ 6A. *Requisition of Jute.*—(1) If in the opinion of the Central Government, it is expedient or necessary so to do for the purpose of fulfilling any international trade agreement to which it is a party, the Central Government may, by order—

(a) require any person owning a stock of jute to sell the whole or a specified part of such stock at such prices and to such persons, as may be specified in the order ; or

(b) requisition the whole or any part of any stock of jute and give further directions as to the use or disposal thereof as it thinks fit, and may further acquire such jute by serving on the owner thereof, or if he is not readily traceable or the ownership is disputed, by publishing in the *Gazette of Pakistan*, as well as in the Official Gazette of the Province in which the jute is situated a notice stating that it has been decided to acquire such stock.

Note.—An order under clause (a) may be made in respect of jute requisitioned under clause (b).

(2) An order under clause (a), and an order of requisition on behalf of the Central Government under clause (b) of sub-section (1) may be made also by the Jute Board, and every such order shall be reported forthwith to the Central Government which shall make such further orders thereon as to it may appear expedient.

(3) Property in any stock of jute acquired under clause (b) of sub-section (1), shall rest in the Central Government at the beginning of the day on which the notice is served on the owner, or, as the case may be, first published in any Official Gazette.

(4) Where an order is made in pursuance of sub-section (1), then if the order lies under clause (a), the price, and if it lies under clause (b), the compensation, to be paid to the owner, shall be such as the Central Government may determine.

(5) In this section, the expressions “ person owning a stock of jute ” and “ owner ” shall not include a grower holding in his own village a stock of jute grown by himself. ”

KH. NAZIMUDDIN,

Governor-General.

Price : Anna. 1

THE TARIFF (AMENDMENT) ORDINANCE, 1950.

ORDINANCE No. V OF 1950

[23rd October 1950]

An Ordinance further to amend the Tariff Act, 1934

WHEREAS an emergency has arisen which makes it necessary further to amend the Tariff Act, 1934 ;
XXXII of 1934.

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5 ch. 2), the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Tariff (Amendment) Ordinance, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In the Second Schedule to the Tariff Act, 1934, Amendment of the in the entry in the third column against item No. 3, relating to Raw Cotton, for the words and figures " At Second Schedule, any rate not exceeding Rs. 75 " the words and figures Act XXXII " At any rate not exceeding Rs. 250 " shall be substituted. of 1934.

K. NAZIMUDDIN,
Governor-General.

Price : Anna 1

THE COTTON CONTRACTS (EXTENSION OF TIME) ORDINANCE, 1950

ORDINANCE No. VI OF 1950

[24th October 1950]

**An Ordinance to extend the period of certain contracts,
for the sale of cotton**

WHEREAS an emergency has arisen which renders it necessary to extend the period of certain contracts for the sale of cotton ;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, ch. 2), the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Cotton Contracts (Extension of Time) Ordinance, 1950. Short title, extent and commencement.

(2) It extends to all the Provinces and the Capital of the Federation.

(3) It shall come into force at once.

2. In this Ordinance the expression " factory selection contract " means a contract for the sale of cotton entered into in Pakistan and providing for selection by the buyer at the factory and for delivery of the cotton selected in full pressed bales at Karachi within the period and at the price specified in the contract. Definition.

3. In the case of all factory selection contracts whereunder the time for delivery expired or expires in the month of September or October 1950, the time for delivery, if delivery has not been made in full before the commencement of this Ordinance, is extended up to the fifteenth day of November 1950, and all such contracts shall be construed accordingly. Extension of time.

K. NAZIMUDDIN,
Governor-General.

Price : Anna 1

THE COTTON CONTRACTS (EXTENSION OF TIME) (AMENDMENT) ORDINANCE, 1950

ORDINANCE No. VII OF 1950

[15th November, 1950]

An Ordinance to amend the Cotton Contracts (Extension of Time)
Ordinance, 1950 (VI of 1950)

WHEREAS an emergency has arisen which renders it necessary to amend the Cotton Contracts (Extension of Time) Ordinance, 1950 for the purposes hereinafter appearing ;

26 Geo. 5,
ch. 2. NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Cotton Contracts (Extension of Time) (Amendment) Ordinance, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In section 3 of the Cotton Contracts (Extension of Time) Ordinance, 1950, for the words and figures "the fifteenth day of November, 1950", the words and figures "the twentyfifth day of November, 1950", shall be substituted. Amendment of section 3, Ordinance VI of 1950.

K. NAZIMUDDIN,
Governor-General.

Price : Anna 1

GGPPK—174 LD—13-12-50—2,000

THE TARIFF (SECOND AMENDMENT) ORDINANCE, 1950

ORDINANCE No. VIII OF 1950

[5th December, 1950]

AN Ordinance further to amend the Tariff Act, 1934.

WHEREAS an emergency has arisen which makes it necessary further to amend the Tariff Act, 1934 ;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, ch. 2) the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Tariff (Second Amendment) Ordinance, 1950.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. To the first column of the Second Schedule to the Tariff Act, 1934, the following entry shall be added, namely :—

Amendment
of the
Second
Schedule,
Act XXXII
of 1934.

" 12 " ;

and against that entry shall be added in the second column the words and comma "Wool, raw", and in the fourth column the figures, sign and words "25% ad valorem".

K. NAZIMUDDIN,

Governor-General.

Price : Anna 1

GGPPK—190 LD—0-1-51—2,000.

THE COTTON ORDINANCE, 1950

Ordinance No. IX of 1950

[18th December 1950]

An Ordinance to provide for measures to safeguard international trade in cotton

WHEREAS an emergency has arisen which renders it necessary to provide for measures to safeguard international trade in cotton ;

26 Geo. 5,
ch. 2. Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Cotton Ordinance, 1950. Short title,
extent and
commence-
ment.

(2) It extends to all the Provinces and the Capital of the Federation.

(3) It shall come into force* in such areas at such time and to such extent as the Central Government may by notification in the official Gazette direct.

2. In this Ordinance—

Definitions.

(a) "contract" means any contract recognised by the By-Laws of the Karachi Cotton Association, Limited, and includes a factory selection contract ;

(b) "cotton" means unginned cotton (*kapas*) or ginned cotton (*ruji*) or pressed and baled cotton but does not include wool cotton or silk cotton ;

(c) "factory" means a place wherein steam, water or other mechanical power or electric power is used and where—

(i) cotton is ginned or where cotton fibre is separated from cotton seed, or

(ii) cotton is pressed into bales ;

(d) "factory selection contract" means a contract for the sale of cotton entered into in Pakistan and providing for selection by the buyer at the factory and for delivery of the cotton selected in full pressed bales at Karachi within the period and at the price specified in the contract ;

(e) "occupier" means an occupier of a factory as owner, allottee, lessee or manager.

* The whole of the Ordinance came into force in the Punjab, in Sind and in the Capital of the Federation, with effect on and from the 18th December, 1950, see Gazette of Pakistan, Extraordinary, 1950, page 958.

Fixation of
price.

3. (1) The Central Government may, by notified order, fix a minimum price or prices below which cotton shall not be bought or sold, and may fix different prices for different areas.

(2) Any person buying or selling cotton at a price below the minimum price so fixed in respect of that cotton shall be liable to the punishment provided in this Ordinance for the contravention of an order and the cotton concerned in the transaction may be confiscated to the Central Government by an order of the Court which tries the case.

Cotton
Board.

4. The Central Government may establish a Cotton Board to supervise and regulate all dealings in cotton and the storage of cotton, and all matters relating and incidental thereto including transport, insurance and export; to buy, sell and deal in cotton; and generally to take such action as may be necessary to carry the purposes of this Ordinance into effect; and the Board shall have such powers accordingly as the Central Government may by a notified order prescribe, and shall in all matters be subject to the control of the Central Government.

Ginning and
pressing
charges.

5. The Central Government may, by a notified order, regulate the charges to be made for the ginning and pressing of cotton, and such order may regulate such charges uniformly in respect of all areas and factories or differentially in respect of particular areas or factories.

Requisition
of factories,
etc.

6. (1) The Central Government may, by general or special order, requisition any factory or any place, open or enclosed, and use the same for ginning, pressing or storing cotton and for purposes incidental to the purposes of this Ordinance, whether such cotton has been purchased by or on behalf of the Central Government or not.

(2) If any such factory or place is requisitioned under this section there shall be paid as compensation such rent at such intervals as the Central Government may fix.

Proprietors,
etc. of
ginning
factories to
buy cotton
offered for
sale.

7. (1) Where cotton is offered for sale to the occupier of a ginning factory, he shall buy the same and pay a price for it not less than the minimum price fixed for such cotton under section 3 or under any other law for the time being in force.

(2) If he fails to buy the cotton so offered to him or buys it at a price below the minimum price referred to in sub-section (1), then without prejudice to any punishment which may be imposed on him for having contravened a provision of this Ordinance the Central Government may order that the factory of which he is the occupier shall be confiscated to the Government and worked thereafter in such manner as it may see fit to direct.

(3) He shall be at liberty, having bought the said cotton, to sell the same to any person or, at his option, to the Central Government in accordance with the terms of an agreement to be entered into between him and the Government.

(4) If, having entered into such an agreement, he contravenes or fails to comply with any provision of the same he shall, without prejudice to any other action which the Government may take against him under this Ordinance or under any other law for the time being in force, be deemed to have contravened a provision of this Ordinance and shall be punishable accordingly.

8. (1) The Central Government may buy cotton tendered by any occupier and make payment therefor at a price to be fixed by it by a notified order. Purchase of cotton.

(2) If, in the opinion of the Central Government, it is expedient or necessary so to do for the purpose of securing the fulfilment of any contract on which a seller has defaulted or on which it has reason to believe that he intends to default, it may, by an order in writing, buy cotton and appropriate it to the contract and direct that the cost be recovered from the defaulter as an arrear of land revenue or in any other manner that may be specified in the order. In this sub-section "seller" includes any person who undertakes to obtain for or supply to any person or to the Government any cotton.

9. (1) The Central Government may, at any time, by an order in writing, direct such person or class of persons as may be specified in the order to furnish such particulars relating to the fulfilment of contracts in such manner and to such person as may be specified in the order. Power to call for information.

(2) The Central Government may, by order in writing, require any person to furnish to it or to any person specified in the order any information, book or other document in his possession being such information, book or document as the Central Government considers it necessary or expedient to obtain and examine for the purposes of this Ordinance.

(3) If on a representation in writing made by a person authorised in this behalf by the Central Government a District Magistrate, Sub-Divisional Magistrate, or Magistrate of the First Class has reason to believe that a contravention of any of the provisions of this Ordinance has been, or is being or is about to be committed in any place, he may by warrant authorise any police officer not below the rank of Sub-Inspector—

- (a) to enter and search any place in the manner specified in the warrant; and
- (b) to seize any books or other documents found in or on such place which should have been produced in compliance with a

requisition issued under sub-section (2) or which the police officer has reason to believe to contain the information required to be furnished under that sub-section.

In this sub-section, "place" includes a house, building, tent, vehicle, vessel or aircraft.

Registration of contracts.

10. The Central Government may, by general or special order in writing require any contract to be registered in such manner as may be specified in the order and may direct that any cotton to which the contract relates shall be stored, ginned, pressed or transported only at such places or by such routes or to such destinations as may be specified in the direction.

Purchase, sale or acceptance of cotton, etc.

11. The Central Government may, by an order in writing, regulate or prohibit the purchase, sale or acceptance of cotton and all dealings in railway receipts for cotton, including the grant thereof, and may by a like order regulate, prohibit, modify or cancel any contract or class of contracts.

Delegation of powers.

12. The Central Government may, by a notified order, direct that any power conferred upon it by or under this Ordinance shall, in relation to such matters and subject to such conditions, if any, as may be specified in the Order, be exercisable by—

- (i) the Cotton Board, or
- (ii) such officer or authority subordinate to the Central Government, or
- (iii) such Provincial Government or such officer or authority subordinate to a Provincial Government as may be specified in the direction.

Power to give directions to Provinces, etc.

13. (1) The Central Government may give directions to any Provincial Government as to the carrying into execution in the Province of any order made under this Ordinance.

(2) The Central Government may give directions to Associations of cotton traders to carry into effect any order made under this Ordinance.

Effect of orders inconsistent with other enactments.

14. Any order made under this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or any instrument having effect by virtue of any enactment other than this Ordinance.

Penalty etc.

15. (1) Any person who contravenes or fails to comply with an order made or a direction given under this Ordinance shall be punishable as if he had contravened a provision of this Ordinance.

(2) Any person who contravenes any provision of this Ordinance shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(3) Where any person as aforesaid is a company or other body corporate, every member, director, manager, secretary or other officer and every agent and servant thereof shall be punishable as if he had contravened a provision of this Ordinance.

(4) No person shall be prosecuted under this Ordinance unless he has been given an opportunity by the Central Government to show cause, within such time as the Central Government may specify, why he should not be prosecuted, and if it is made to appear to the satisfaction of the Central Government at any time before the institution of the prosecution that he has used due diligence to enforce the observance of this Ordinance and that the offence has been committed without his knowledge or against his consent the Central Government may forbear further proceedings against him :

Provided that nothing in this sub-section shall prevent the Central Government from proceeding against him further if it sees reason to do so, in which case he shall not be prosecuted unless he has been given a further opportunity as aforesaid.

16. Any person who attempts to contravene, or abets a contravention of, any provision of this Ordinance or any order made or direction given thereunder shall be deemed to have contravened that provision, order or direction. Attempts and abetments.

17. If any person—

- (i) when required by an order under this Ordinance to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or
- (ii) make any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish

False statement.

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

18. No court shall take cognizance of any offence punishable under this Ordinance except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Pakistan Penal Code. Cognizance of offences.

XLV of 1860.

19. Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may on Power to try offences summarily.

V of 1898.

application in this behalf being made by the prosecution try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Ordinance.

Special provision regarding fines.

20. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Provincial Government in this behalf to pass a sentence of fine exceeding one thousand rupees on any person convicted under this Ordinance V of 1898.

Presumption as to order.

21. (1) No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.

(2) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Ordinance, a Court shall, within the meaning of the Evidence Act, 1872, I of 1872, presume that such order was so made by that authority.

Protection of action taken under the Ordinance.

22. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under this Ordinance.

(2) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under this Ordinance.

K. NAZIMUDDIN,
Governor-General.

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Sind :—

Superintendent, Sind Government Book Depot and Records Office, Karachi, Sadar.

Punjab :—

Superintendent, Government Printing Punjab, Lahore.

East Bengal :—

Deputy Controller, Stationery, Forms and Publications, 176, Nawabpur Road, Dacca.

2. PRIVATE BOOK-SELLERS :—

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Messrs. Pioneer Paper and Stationery House, 1, Avan Lodge, Opp. Dow Medical College, Bunder Road, Karachi.

Messrs. Aero Stores, 170, Napier Road, Karachi.

Messrs. Ferozsons, Bunder Road, Karachi.

Messrs. Kitabistan, Ltd., 18, Hotel Metropole, Victoria Road, Karachi.

Messrs. Windsor Book Stall, Elphinstone Street, Karachi.

Messrs. Burhani Paper Mart, Campbell Street, P. O. Box No. 26, Karachi.

Messrs. Pakistan Law House, Opp. Small Causes Court, Wadhomal Odharam Road, Karachi.

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Messrs. The New Allies Stores, Jail Road, Near Tower, Hyderabad, Sind.

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Messrs. Ferozsons, The Mall, Lahore.

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Messrs. Nawa-i-Waqt Publications, Ltd., Lahore.

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Messrs. A. M. John and Co., Kutchery Road, P. B. No. 297, Lahore.

Messrs. The Publishers United Ltd., 176, Anarkali, Lahore.

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Messrs. All Pakistan Legal Decision, 35, Nabha Road, Lahore.

Messrs. Shah and Sons, Book-sellers and Publishers, Sialkot City.

Mr. K. A. Baker, Prop. Baker Electric Press, Publishers and Law Book-sellers, Baker Lodge, Sialkot Cantt.

Messrs. The Editor, Punjab Marketing Weekly, Mumtaz House, Khwaja Dil Mohd. Road, Lahore.

Messrs. Hamid Noorani & Co., 59, Fleming Road, P. O. Box No. 473, Lahore.

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The High Commissioner for Pakistan in Australia, Dalton House, 115, Pitt St., Sydney, Australia.

The Ambassador of Pakistan, Rander House, Phayre Street, Rangoon, Burmah.

The High Commissioner for Pakistan, 499, Wilbord Street, Ottawa, Canada.

The Embassy of Pakistan, Pakistan House, 11, Sharia Hodel, Laban, Garden City, Cairo, Egypt.

The High Commissioner for Pakistan, 8-B, Hardinge Avenue, New Delhi.

The Embassy of Pakistan, 15, Djalani Tanku Umer, Djakarta.

The Embassy of Pakistan, Khlaban Takhte Jamshed Kashi No. 276, Tehran, Iran.

The Embassy of Pakistan, Wazirya, Baghdad, Iraq.

The Legation of Pakistan, Jeddah, Saudi Arabia.

The Minister of Pakistan, Abu Roumanch, Damascus.

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The High Commissioner for Pakistan, 34/36, Lowndes Square, London, S.W. 1.

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The Ambassador of Pakistan, 18, Rue Lord Byron, Paris, France.

The Embassy of Pakistan, Plien 1813, No. 3, The Hague, Netherlands.

The Minister of Pakistan, 15, Via Guisenpe, Mangili, Rome, Italy.